

**No.1/1/2013-TR**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

.....

North Block, New Delhi  
Dated: 12/08/2013

**OFFICE MEMORANDUM**

**Subject: Extension of RTI web portal for online filing of RTI application.**

In continuation of this Department's O.M. of even number dated 22/04/2013, it is intimated that the facility of RTI online web portal has been extended to 37 Ministries/Departments of Government of India, so far (list enclosed). This facility would be extended to all the remaining Ministries/Departments of Government of India with effect from 21<sup>st</sup> August, 2013. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

2. It is again requested that training to all the CPIOs and First Appellate Authorities (FAAs) may be provided by the concerned Ministry/Department, through the officials trained by DoPT/NIC. If required, further training can be provided by DoPT/NIC, on the request of the concerned Ministry/Department. User name/password to all the CPIOs and FAAs are to be provided by RTI Nodal Officers of the concerned Ministry/Department. It is imperative that the RTI Nodal Officers update the details of CPIOs/FAAs in the system and issue user name and password to them at the earliest.

3. The contents of this OM may be brought to the notice of all concerned.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary  
Tele : 23093668

**All the Ministries/Departments of the Government of India (except in the list enclosed)**

Copy to:

1. 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, Planning Commission, Election Commission.
2. Central Information Commission.
3. Staff Selection Commission, CGO Complex, New Delhi
4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

**LIST OF MINISTRIES/DEPARTMENTS TO WHOM RTI ONLINE WEB PORTAL  
FACILITY HAS BEEN EXTENDED**

1. DEPARTMENT OF AGRICULTURE RESEARCH & EDUCATION
2. DEPARTMENT OF AGRICULTURE & COOPERATION
3. DEPARTMENT OF ANIMAL HUSBANDRY, DAIRYING & FISHERIES
4. DEPARTMENT OF AYUSH
5. DEPARTMENT OF CHEMICALS & PETROCHEMICALS
6. DEPARTMENT OF COMMERCE
7. DEPARTMENT OF CONSUMER AFFAIRS
8. DEPARTMENT OF DISINVESTMENT
9. DEPARTMENT OF FOOD & PUBLIC DISTRIBUTION
10. DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION
11. DEPARTMENT OF PERSONNEL & TRAINING
12. DEPARTMENT OF PUBLIC ENTERPRISES
13. MINISTRY OF CULTURE
14. MINISTRY OF EXTERNAL AFFAIRS
15. MINISTRY OF FOOD PROCESSING INDUSTRIES
16. MINISTRY OF HEALTH & FAMILY WELFARE
17. MINISTRY OF HOME AFFAIRS
18. MINISTRY OF INFORMATION & BROADCASTING
19. MINISTRY OF PANCHAYATI RAJ
20. MINISTRY OF POWER
21. MINISTRY OF ROAD TRANSPORT & HIGHWAYS
22. MINISTRY OF STEEL
23. PRESIDENT SECRETARIAT
24. VICE-PRESIDENT SECRETARIAT
25. MINISTRY OF WATER RESOURCES
26. UNION PUBLIC SERVICE COMMISSION
27. DEPARTMENT OF ECONOMIC AFFAIRS
28. DEPARTMENT OF REVENUE
29. DEPARTMENT OF YOUTH AFFAIRS
30. MINISTRY OF ENVIRONMENT & FORESTS
31. DEPARTMENT OF HEAVY INDUSTRY
32. MINISTRY OF TOURISM
33. MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
34. MINISTRY OF SHIPPING
35. MINISTRY OF CORPORATE AFFAIRS
36. PLANNING COMMISSION
37. DEPARTMENT OF ADMINISTRATIVE REFORMS & PG

**No.1/1/2013-TR**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

.....

North Block, New Delhi  
Dated: 30/07/2013


**OFFICE MEMORANDUM**

**Subject: Extension of RTI web portal for online filing of RTI application.**

In continuation of this Department's O.M. of even number dated 22/04/2013, it is intimated that the facility of RTI online web portal has been extended to 37 Ministries/Departments of Government of India, so far (list enclosed). It is planned to extend this facility to all the remaining Ministries/Departments of Government of India by mid August, 2013. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

2. It is again requested that training to all the CPIOs and First Appellate Authorities (FAAs) may be provided by the concerned Ministry/Department, through the officials trained by DoPT/NIC. If required, further training can be provided by DoPT/NIC, on the request of the concerned Ministry/Department. User name/password to all the CPIOs and FAAs are to be provided by RTI Nodal Officers of the concerned Ministry/Department. It is imperative that the RTI Nodal Officers update the details of CPIOs/FAAs in the system and issue user name and password to them at the earliest.

3. The contents of this OM may be brought to the notice of all concerned.



(Sandeep Jain)

Director

Tele : 23092755

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2. Central Information Commission.

3. Staff Selection Commission, CGO Complex, New Delhi

4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

**LIST OF MINISTRIES/DEPARTMENTS TO WHOM RTI ONLINE WEB PORTAL  
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34. MINISTRY OF SHIPPING
35. MINISTRY OF CORPORATE AFFAIRS
36. PLANNING COMMISSION
37. DEPARTMENT OF ADMINISTRATIVE REFORMS & PG



No. 1/44/2009-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi,  
Dated the 7<sup>th</sup> October, 2013

**OFFICE MEMORANDUM**

**Subject: - Extending the facility of e-IPO for payment of RTI fee in Indian Missions by 'Indian citizens abroad'.**

A service called e-IPO (Electronic Indian Postal Order) was launched w.e.f. 22.03.2013 to facilitate Indian citizens abroad across the globe to purchase an e-IPO by paying the fee online to access the information under the RTI Act, 2005 from the Central Public Authorities.

2. The procedure to obtain e-IPO has already been explained vide this Department's Office Memorandum of even number dated 22.03.2013. The main points of the procedure are as under:

- [a] The user needs to get himself registered at either of the two websites <http://www.epostoffice.gov.in> or [www.indiapost.gov.in](http://www.indiapost.gov.in).
- [b] He has to select the Ministry/Department from whom he desires to seek the information under the RTI Act and the e-IPO so generated, by making payment using Debit or Credit card, can be used to seek information from that Ministry/Department only.
- [c] A printout of the e-IPO is required to be attached with the RTI application. If the RTI application is being filed electronically, e-IPO is required to be attached as an attachment.
- [d] This facility is only for purchasing an Indian Postal Order electronically. All the requirements for filing an RTI application as well as other provisions regarding eligibility, time limit, exemptions etc., as provided in the RTI Act, 2005 will continue to apply.

3. It has been brought to the notice of this Department that Indian citizens living abroad are facing difficulties in payment of fees for accessing information from Indian Missions/Posts abroad as the facility of e-IPO was not available with them.

4. In order to facilitate for obtaining the information under the RTI Act, 2005 by the Indian citizen living abroad from Indian Missions/Posts under Ministry of External Affairs, the facility of e-IPO is extended to 176 Indian Missions/Posts. List is enclosed.

5. This may be brought to the notice of all concerned.

*Manoj Joshi*

(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093688

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission! /Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
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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: Ms. Sujata Choudhary, General Manager (BP), Deptt. of Posts, Business Development and Marketing Directorate, Dak Bhawan, Sansad Marg, New Delhi for information w.r.t. their letter No. 65-04/2013-BD&MD dated 17.09.2013.

<b>S.no.</b>	<b>Name of the Indian Mission/Post</b>
1	Embassy of India,Kabul, Afghanistan
2	Consulate General of India, Herat, Afghanistan
3	Consulate General of India, Jalalabad, Afghanistan
4	Consulate General of India, Kandahar, Afghanistan
5	Consulate General of India, Mazar-e-Sharif, Afghanistan
6	Embassy of India, Algiers,Algeria
7	Embassy of India, Luanda, Angola
8	Embassy of India, Buenos Aires, Argentina
9	Embassy of India,Yerevan, Armenia
10	High Commission of India, Canberra, Australia
11	Consulate General of India, Melbourne, Australia
12	Consulate General of India, Perth, Australia
13	Consulate General of India, Sydney, Australia
14	Embassy of India,Vienna, Austria
15	Embassy of India, Baku, Azerbaijan
16	Embassy of India,Manama, Bahrain
17	High Commission of India,Dhaka, Bangladesh
18	Assistant High Commission of India, Chittagong, Bangladesh
19	Assistant High Commission of india, Rajshahi, Bangladesh
20	Embassy of India, Minsk, Belarus
21	Embassy of India, Brussels, Belgium
22	Embassy of India,Thimphu, Bhutan
23	Consulate General of India, Phuentsholing, Bhutan
24	High Commission of India,Gaborone, Botswana
25	Embassy of India, Brasilia, Brazil
26	Consulate General of India, Sao Paulo, Brazil
27	High Commission of India,Bandar Seri Begawan, Brunei Darussalam
28	Embassy of India, Sofia,Bulgaria
29	Embassy of India, Pnom Penh,Cambodia
30	High Commission of India, Ottawa, Canada
31	Consulate General of India, Toronto, Canada
32	Consulate General of india, Vancouver, Canada
33	Embassy of India,Santiago, Chile
34	Embassy of India, Beijing, China
35	Consulate General of India, Guangzhou, China
36	Consulate General of India, Hongkong
37	Consulate General of India, Shanghai, China
38	Embassy of India, Bogota, Colombia
39	Embassy of India, Democratic Republic of Congo
40	Embassy of India,Abidjan, Ivory Coast
41	Embassy of India, Zagreb, Croatia
42	Embassy of India, Havana, Cuba
43	High Commission of India, Nicosia, Cyprus
44	Embassy of India, Prague, Czech Republic
45	Embassy of India,Copenhagen, Denmark
46	Embassy of India, Cairo, Egypt
47	Embassy of India,Addis Ababa, Ethiopia

- 48 High Commission of India, Suva, Fiji islands
- 49 Embassy of India, Helsinki, Finland
- 50 Embassy of India, Paris, France
- 51 Permanent Delegation of India to the UNESCO, Paris, France
- 52 Consulate General of India, Saint Denis, Reunion Island
- 53 Embassy of India, Berlin, Germany
- 54 Consulate General of India, Frankfurt, Germany
- 55 Consulate General of India, Hamburg, Germany
- 56 Consulate General of India, Munich, Germany
- 57 High Commission of India, Accra, Ghana
- 58 Embassy of India, Athens, Greece
- 59 Embassy of India, Guatemala City, Guatemala
- 60 High Commission of India, Georgetown, Guyana
- 61 Embassy of India, Budapest, Hungary
- 62 Embassy of India, Reykjavik, Iceland
- 63 Embassy of India, Jakarta, Indonesia
- 64 Consulate General of India, Medan, Indonesia
- 65 Embassy of India, Tehran, Iran
- 66 Consulate General of India, Bandar Abbas, Iran
- 67 Consulate General of India, Zahidan, Iran
- 68 Embassy of India, Baghdad, Iraq
- 69 Embassy of India, Dublin, Ireland
- 70 Embassy of India, Tel Aviv, Israel
- 71 Embassy of India, Rome, Italy
- 72 Consulate General of India, Milan, Italy
- 73 High Commission of India, Kingston, Jamaica
- 74 Embassy of India, Tokyo, Japan
- 75 Consulate General of India, Osaka-Kobe, Japan
- 76 Embassy of India, Amman, Jordan
- 77 Embassy of India, Astana, Kazakhstan
- 78 High Commission of India, Nairobi, Kenya
- 79 Assistant High Commission of India, Mombasa, Kenya
- 80 Embassy of India, Pyongyang, DPR Korea
- 81 Embassy of India, Seoul, Republic of Korea
- 82 Embassy of India, Safat, Kuwait
- 83 Embassy of India, Bishkek, Kyrgyzstan
- 84 Embassy of India, Vientiane, Lao People's Democratic Republic
- 85 Embassy of India, Beirut, Lebanon
- 86 Embassy of India, Tripoli, Libya
- 87 Embassy of India, Antananarivo, Madagascar
- 88 High Commission of India, Kuala Lumpur, Malaysia
- 89 High Commission of India, Male, Republic of Maldives
- 90 Embassy of India, Bamako, Mali
- 91 High Commission of India, Port Louis, Mauritius
- 92 Embassy of India, Mexico
- 93 Embassy of India, Ulaanbaatar, Mongolia
- 94 Embassy of India, Rabat, Morocco
- 95 High Commission of India, Maputo, Mozambique
- 96 Embassy of India, Yangon, Myanmar
- 97 Consulate General of India, Mandalay, Myanmar

- 98 High Commission of India, Windhoek, Namibia
- 99 Embassy of India, Kathmandu, Nepal
- 100 Embassy of India Camp Office, Biratnagar, Nepal
- 101 Consulate General of India, Birgunj, Nepal
- 102 Embassy of India, The Hague, Netherlands
- 103 High Commission of India, Wellington, New Zealand
- 104 Embassy of India, Niamey, Niger
- 105 High Commission of India, Abuja, Nigeria
- 106 Office of the High Commission of India, Lagos, Nigeria
- 107 Embassy of India, Oslo, Norway
- 108 Embassy of India, Muscat, Sultanate of Oman
- 109 High Commission of India, Islamabad, Pakistan
- 110 Representative Office of India, Ramallah City, State of Palestine
- 111 Embassy of India, Panama
- 112 High Commission of India, Port Moresby, Papua New Guinea
- 113 Embassy of India, Lima, Peru
- 114 Embassy of India, Manila, Philippines
- 115 Embassy of India, Lisbon, Portugal
- 116 Embassy of India, Doha, Qatar
- 117 Embassy of India, Bucharest, Romania
- 118 Embassy of India, Moscow, Russian Federation
- 119 Consulate General of India, St. Petersburg, Russian Federation
- 120 Consulate General of India, Vladivostok, Russian Federation
- 121 Embassy of India, Riyadh, Saudi Arabia
- 122 Consulate General of India, Jeddah, Saudi Arabia
- 123 Embassy of India, Dakar, Senegal
- 124 Embassy of India, Belgrade, Republic of Serbia
- 125 High Commission of India, Victoria, Seychelles
- 126 High Commission of India, Singapore
- 127 Embassy of India, Bratislava, Slovak Republic
- 128 Embassy of India, Ljubljana, Slovenia
- 129 High Commission of India, Pretoria, South Africa
- 130 Consulate General of India, Cape Town, South Africa
- 131 Consulate General of India, Durban, South Africa
- 132 Consulate General of India, Johannesburg, South Africa
- 133 Embassy of India, Madrid, Spain
- 134 High Commission of India, Colombo, Sri Lanka
- 135 Assistant High Commission of India, Kandy, Sri Lanka
- 136 Consulate General of India, Hambantota, Sri Lanka
- 137 Consulate General of India, Jaffna, Sri Lanka
- 138 Embassy of India, Khartoum, Sudan
- 139 Consulate General of India, Juba, Sudan
- 140 Embassy of India, Paramaribo, Suriname
- 141 Embassy of India, Stockholm, Sweden
- 142 Embassy of India, Berne, Switzerland
- 143 Consulate General of India, Geneva, Switzerland
- 144 Permanent Mission of India to the UN Offices in Geneva, Switzerland
- 145 Embassy of India, Damascus, Syria
- 146 Embassy of India, Dushanbe, Tajikistan
- 147 High Commission of India, Dar es Salaam, Tanzania

- 148 Consulate General of India, Zanzibar, Tanzania
- 149 Embassy of India, Bangkok, Thailand
- 150 Consulate of India, Chiangmai, Thailand
- 151 High Commission of India, Trinidad & Tobago, West Indies
- 152 Embassy of India, Tunis, Tunisia
- 153 Embassy of India, Istanbul, Turkey
- 154 Consulate General of India, Istanbul, Turkey
- 155 Embassy of India, Ashgabat, Turkmenistan
- 156 High Commission of India, Kampala, Uganda
- 157 Embassy of India, Kyiv, Ukraine
- 158 Embassy of India, Abu Dhabi, UAE
- 159 Consulate General of India, Dubai, UAE
- 160 High Commission of India, London, United Kingdom
- 161 Consulate General of India, Birmingham, United Kingdom
- 162 Consulate General of India, Edinburgh, United Kingdom
- 163 Embassy of India, Washington, USA
- 164 Consulate General of India, Atlanta, USA
- 165 Consulate General of India, Chicago, USA
- 166 Consulate general of India, Houston, USA
- 167 Consulate General of India, New York, USA
- 168 Consulate General of India, San Francisco, USA
- 169 Permanent Mission of India to the UN, New York, USA
- 170 Embassy of India, Tashkent, Uzbekistan
- 171 Embassy of India, Caracas, Venezuela
- 172 Embassy of India, Hanoi, Vietnam
- 173 Consulate General of India, Ho Chi Minh City, Vietnam
- 174 Embassy of India, Sana'a, Yemen
- 175 High Commission of India, Lusaka, Zambia
- 176 Embassy of India, Harare, Zimbabwe

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

North Block, New Delhi-110001  
Dated 10th December, 2013

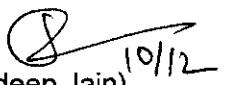
**OFFICE MEMORANDUM**

**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 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 requested 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 is once again requested that the guidelines mentioned in O.M. dated 15.4.2013 be complied with at the earliest and compliance report sent to this Department and Central Information Commission, immediately.

  
(Sandeep Jain)  
Director (IR)  
Tele: 23092755

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6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

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

डा. एस. के. सरकार

Dr. S. K. Sarkar

सचिव

SECRETARY

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भारत सरकार  
कार्मिक और प्रशिक्षण विभाग  
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
नोर्थ ब्लॉक, नई दिल्ली - 110001

GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES  
AND PENSIONS  
NORTH BLOCK, NEW DELHI - 110001  
Website : <http://persmin.gov.in>

21<sup>st</sup> November, 2013

D.O.No. 1/6/2011-IR

Dear Chief Secretary,

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a suo motu or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of suo motu disclosure under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. In order to further improve the proactive disclosure, Government of India constituted a Task Force on Suo motu disclosure in May 2011, which included representatives of civil society organizations active in the field of Right to Information. After considering the recommendations of the Task Force, the Government of India has already issued guidelines to Central Ministries/Departments for Proactive Disclosure under Section 4 of the RTI Act vide OM No. 1/6/2011-IR dated 15/04/2013.

3. 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 enclosed as Annexure.

4. You are requested to consider issuing the above guidelines and templates for better implementation of the suo motu disclosure at State level.

With regards,

Yours sincerely,

(Dr. S.K. Sarkar)



सूचना का  
अधिकार



## **ANNEXURE**

### **Guidelines for State Governments for facilitating disclosure at district and lower levels of government through suggestive templates for key areas**

1.0 The scheme of Section 4 of RTI Act, 2005 applies uniformly to all the public authorities, irrespective of their level of administration or service delivery (Centre, state, district etc.). It is felt that the extent of detailing required, varies according to the level of administration. If this could be facilitated by the development of suitable templates, it would not only improve the quality of disclosures but would also facilitate more transparency in governance. For example, in the case of Public Distribution System (PDS), disclosures at the level of Fair Price Shops (FPS) should go down to the level of ration card holder, while at the level of district/state, agencies dealing with the disclosures would need to be more broad-based. Keeping this in view, the following four areas have been identified for development of templates:

- (a) Public Distribution System;
- (b) Panchayats;
- (c) MGNREGA; and
- (d) Primary and Secondary Schools.

These four areas have been selected on the ground that they constitute some of the most significant services being provided at the ground level. However, it is recommended that similar templates need to be worked out for other important areas also such as health services, services relating to social benefits, etc.

### **2.0 Templates for Information Disclosure**

The templates for information disclosure at various levels of service delivery in relation to the four areas mentioned above are enclosed at the end of the guidelines. The general principles which should be adopted for disclosure at various levels are given below:

#### **2.1 Use of Information boards/walls**

Section 4(4) of the RTI Act states that information should be disseminated taking into consideration the most effective method of communication in that local

area and the information should be easily accessible. Given the limited reach and accessibility of internet in India, it is recommended that at village / block level, relevant information should be painted on walls and provided on boards in the local language at prominent public places.

## *2.2 Information disclosure through any document/proof of delivery that is available to beneficiaries*

Any document relating to a scheme/program of the Government that is held by a citizen, such as ration card, school books etc., should be used as a mode of disclosure. Information can be printed on such documents in the local language. Stickers can be used to update/change the information, if required.

## *2.3 RTI Proactive Disclosure File*

Panchayat is the first public authority to interface with citizens. In their case, considerable information can be painted on walls. However, all information painted on walls should also be kept ready for perusal in a ~~RTI~~ Proactive Disclosure File. This file should also contain details of all the money received and all the guidelines which are sent to Panchayats by various government authorities for implementation of schemes.

## **3.0 'Good' and 'Innovative' practices adopted by State Governments**

3.1 State governments may adopt innovative practices to disseminate information at local level. Some of these practices are listed below:

- Read out all information about benefits of schemes, budgets expenditure, MGNREGA works, payments etc in the Gram Sabha, Example . ~~Aq.~~ works as a Gram Panchayat Secretary and a PIO in ~~Xq~~state. Even before the RTI Act was in place, **she/(he)** was using folk lyrics as a medium of disseminating information. In **her/(his)** Gram Sabha, **she/(he)** talks about various schemes by connecting them to incidents in the village and sings a folk song highlighting the specific characteristics of a scheme. **Her/(his)** Gram Sabhas are frequented by large numbers of residents on a regular basis.
- In a **particular district** in '**Y**' **state**, during the RTI campaign for pro-active disclosure, it was observed that the use of multimedia vehicle for dissemination of information was widely accepted. The pamphlets and guidelines of various schemes, including forms, were disseminated by "**RTI**

**on Wheels”** - a multimedia vehicle. Films and case studies of the use of information for achieving transparency in governance were screened.

- In ~~ay~~ **state**, it is a regular practice that details of the proceedings of Gram Sabhas are reported in local newspaper.

**Enclosure**

# **Templates for disclosures for Public Distribution System**

**I. Disclosure at Fair Price Shop (FPS) level**

**1. Static Information** to be painted at the FPS in the local language:

**Template 1.1: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bazra/ millet								
other/salt								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 1.2: Information about the FPS**

<b>1. Names of Villages/ Mohallas/ Areas covered by the FPS: -----</b>	
<b>1</b>	<b>Name of license holder</b>
	<b>License number (display copy of license)</b> <b>Date of issue</b>
	<b>Name of shop keeper</b> <b>Phone no</b>
<b>2</b>	<b>Time of shop opening-----</b>
	<b>Time of shop closing-----</b>
	<b>Days the shop remains open in a week</b>
<b>3</b>	<b>List of records held by the FPS- Stock register, sale register, list of cardholders attached to the shop, etc.</b>

### **Template 1.3: Information about the grievance redressal mechanism**

#### **Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if helpline is available)

**e.g. 1800-111-222-333**

#### **Name, designation and contact of the grievance redressal authority**

**Complaints regarding the functioning of the Public Distribution System can be made to:**

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

### **Template 1.4: Public audit of records of the FPS**

#### **Records of FPS available for public audit**

- All records of the FPS are available for inspection to cardholders on demand
- On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm
- On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office from 2 to 5 pm

## Template 1.5: Information about the RTI Act

### Right to Information Act, 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

- Applications for seeking information may be submitted in writing with the prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).
- RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.
- No fee for citizens below the poverty line
- Information will be provided within 30 days

#### Name, designation and contact details of relevant officials under the RTI Act

Public Information Officer (PIO)	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.
Assistant Public Information				

2. **Dynamic information at the FPS** to be painted / available on blackboards and made available in a file for inspection on demand in local language :

**Template 2.1: Stock Position (prev. month)**

REQUIREMENT, STOCK AND DISTRIBUTION FOR THE MONTH -----												
Ration	APL				BPL				AAY			
	Required	Balance of previous month	Stock provided in this month	Distributed in this month	Required	Balance of previous month	Stock provided in this month	Distributed in this month	Required	Balance of previous month	Stock provided in this month	Distributed in this month
Wheat												
Flour												
Rice												
Edible oil												
Sugar												
Kerosene												
Board verified by ..... On .....												

**Template 2.2: Vigilance Committee FPS-level**

FPS-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ò .  
 The next meeting of the Vigilance Committee will be held on ò  
 Minutes of the committee meetings are available for inspection at ò .

Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	



**Template 2.3: List of ration cardholders \***

<b>Number of Ration Cards (as on.....)</b>		
	<b>Number of cards</b>	<b>Total number of members</b>
<b>APL</b>		
<b>BPL</b>		
<b>AAY</b>		
<b>Annapurna</b>		
<b>Applications pending</b>		
<b>Total</b>		

\*The list of all cards (attached to the shop) must be displayed at the FPS. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

**II. Disclosures at the block/ panchayat\* level office** (\*or other appropriate authority for areas under the sixth schedule of the Constitution and for urban areas) :

**Template 1: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bajra/ millet								
other/salt								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 2: Monthly stock position of each FPS**

REQUIREMENT, STOCK AND DISTRIBUTION FOR THE MONTH -----												
FPS Name & Number: Address:												
Ration	APL				BPL				AAY			
	Required	Balance of prev month	Stock provided in this month	Distributed in this month	Required	Balance of prev month	Stock provided in this month	Distributed in this month	Required	Balance of prev month	Stock provided in this month	Distributed in this month
Wheat												
Flour												
Rice												
Sugar												
Kerosene												

**Template 3: Name, designation & duties of officials**

S. No.	Name	Designation	Duties
1		Food Supplies Officer	-
2		Inspector	-
3			-
4			-
5			-

**Template 4: Grievance redressal mechanism**

**Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if helpline is available)

**e.g. 1800-111-222-333**

**Name, designation and contact of the grievance redress authority**

**Complaints regarding the functioning of the Public Distribution System can be made to:**

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

**Template 5: Status of complaints filed**

<b>Status of Complaints filed</b> (to be maintained in a register shown on demand/ print outs pinned on a notice board)					
S. No.	Name of complainant & complaint number	Date of filing complaint	Name & designation of officer who received the complaint	Current status of grievance	Name and number of FPS/KOD against whom complaint was filed

<b>Complaints received in the last six months (Painted)</b>			
S. No.	Name and number of FPS/KOD against whom complaints were filed	Total number of complaints filed	Action taken against FPS/KOD
1			
2			

**Template 6: Public audit of records of the FPS**

<b><u>Records of FPS available for audit</u></b>
<ul style="list-style-type: none"> <li>• All records of the FPS are available for inspection to cardholders on demand</li> <li>• On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm</li> <li>• On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office between 2 to 5 pm</li> </ul>

### Template 7: Vigilance Committee at Block/ Panchayat- level

## Block/Panchayat-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ....

The next meeting of the Vigilance Committee will be held on ...

Minutes of the committee meetings are available for inspection at ....

### Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	

### Template 8: List of ration cardholders\*

Number of Ration Cards (as on.....)		
	Number of cards	Total number of members
APL		
BPL		
AAY		
Annapurna		
Applications pending		
Total		

\*The list of all cards (attached to the shop) must be displayed securely, in an accessible place at the Block/Panchayat- level office. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

\*The list should be painted in the village

**Template 9: Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal**

<b>Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal</b>				
Type of Card	Eligibility	Documents required	Fee, if any	Time-frame for disposal
APL Card				
BPL Card/ AAY Card				
Modification to card				

**All applications should be given a unique number and people should be able to track the status of their application on the website of the department. Reasons for rejection of any application must be recorded online and should be communicated to the applicant.**

**Template 10: Boards displaying all relevant orders**

- Board should display relevant orders by:
  - Food Department
  - Supreme Court
- Orders pertaining to closure/transfer of FPS, policy changes etc.

### Template 11: Information about the RTI Act

#### Right to Information Act 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

“ Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).

“ RTI application fee is Rs. \_\_\_\_ & photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.

“ No fee for citizens below the poverty line

“ Information will be provided within 30 days

“ If information is not provided within the stipulated time-frame, first appeal can be to the First Appellate Authority in the Department and the Second appeal can be filed to the Information Commission.

“ If information is not provided in time, a penalty of Rs. 250 per day, subject to a maximum on Rs. 25000 can be levied on the PIO by the Information Commission.

“ **Under Section 4 of the Act, the department is required to proactively provide information to citizens. The Section 4 publication is available in the office of the PIO in room no. \_\_\_\_\_ and can be inspected any time during office hours for free.**

Name, designation and contact details of relevant officials under the RTI Act				
Public Information Officer (PIO) Assistant Public Information Officer	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.

### Template 12: Board displaying list of documents available for inspection

All documents of this office can be inspected by citizens and photocopies can be taken at actual cost

Name of document	Officer responsible for maintaining the document	Time for inspection

### III. Disclosures at the District level:

#### Template 1: Information to be kept in a file, available for inspection on demand

- List of card-holders (FPS-wise and Block-wise)
- Monthly stock position of all FPS in the district
- Minutes of meetings/reports of FPS-level, block-level and district-level vigilance committees
- Status of complaints filed

#### Template 2: Board displaying list of documents available for inspection

All documents of this office can be inspected by citizens and photocopies can be taken at actual cost

Name of document	Officer responsible for maintaining the document	Time for inspection



**Template 3: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bajra/ millet								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 4: Grievance redressal mechanisms**

**Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if helpline is available)

**e.g. 1800-111-222-333**

**Name, designation and contact of the grievance redress authority**

**Complaints regarding the functioning of the Public Distribution System can be made to:**

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

**Template 5: Name, designation & duties of officials**

S. No.	Name	Designation	Duties
1		Additional Commissioner	-
2		Assistant Commissioner	-
3		Food Supplies Officer	-
4		Inspector	-
5			-

**Template 6: Public audit of records of the FPS**

**Records of FPS available for audit**

- “ All records of the FPS are available for inspection to cardholders on demand at the FPS
- “ On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm
- “ On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office between 2 to 5 pm

## Template 7: Vigilance Committee District- level

### District-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ....

The next meeting of the Vigilance Committee will be held on ...

Minutes of the committee meetings are available for inspection at ....

#### Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	

## Template 8: List of ration cardholders\*

Number of Ration Cards (as on.....)		
	Number of cards	Total number of members
APL		
BPL		
AAY		
Annapurna		
Applications pending		
Total		

\*The list of all cards (attached to the shop) must be displayed at the Block/Panchayat level office and at the FPS. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

\*The list should be painted in the village

**Template 9: Procedure for applying for new card/other services and time-frame for disposal of applications**

<b>Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal</b>				
Type of Card	Eligibility	Documents required	Fee, if any	Time-frame for disposal
APL Card				
BPL Card/ AAY Card				
Modification to card				

**All application should be given a unique number and people should be able to track the status of their application on the website of the department. Reasons for rejection of any application must be recorded online and should be communicated to the applicant.**

**Template 10: Boards displaying all relevant orders**

- Board should display relevant orders by:
  - Food Department
  - Supreme Court
- Orders pertaining to closure/transfer of FPS, policy changes etc.

## Template 11: Information about the RTI Act

### Right to Information Act 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

"Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).

"RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.

"No fee for citizens below the poverty line

"Information will be provided within 30 days

"If information is not provided within the stipulated time-frame, the first appeal can be to the First Appellate Authority in the Department and the Second appeal can be filed to the Information Commission

"If information is not provided in time, a penalty of Rs. 250 per day, subject to a maximum on Rs. 25000 can be levied on the PIO by the Information Commission.

**"Under Section 4 of the Act, the department is required to proactively provide information to citizens. The Section 4 publication is available in the office of the PIO in room no. \_\_\_\_\_ and can be inspected any time during office hours for free.**

#### Name, designation and contact details of relevant officials under the RTI Act

Public Information Officer (PIO)	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.
Assistant Public Information				

#### **IV. Disclosures at the State-level through the Department website:**

1. Contents of website related to distribution of grain (to be updated in real-time, as far as possible)

- É List of all FPS/KODs (Block-wise & District-wise)
- É Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards
- É Types of ration cards
- É Procedure for applying for new card/other services and time-frame for disposal of applications
- É List of card-holders (FPS-wise, Village-wise, Block-wise & District-wise)
- É Actual disbursement made on each card (will require shop-level information to be entered into the MIS)
- É Monthly stock position of all FPS
- É Grievance redressal mechanism for PDS (including details of how and where to lodge a complaint using each of the mechanisms)
- É Minutes of meetings/reports of FPS-level, block-level, district-level and state-level vigilance committees
- É Information about the RTI Act and section 4 disclosures of the department
- É Information about the mechanism for public audit of records of FPS
- É Name, designation & duties of all officials of the Department
- É Status of complaints filed
- É Status of applications submitted
- É Status of RTI applications filed
- É Status of public audit reports
- É All orders issued by the department and any other relevant order which affect the PDS. The department should have a mechanism whereby orders can only be generated through the website and automatically uploaded in the relevant section of the website.
- É Monthly food grains bulletin (must provide information upto block-level)

All this information should be provided in a searchable format. The website should not require any password/login to access/view this information. The MIS of the Department should be completely visible to people accessing the site.

2. Contents of website related to procurement of grain (to be updated in real-time, as far as possible)

- É MSP & Bonus for all commodities
- É Names of farmers (village-wise, block-wise, district-wise)
- É Quantity procured and amount paid to each farmer
- É Norms for fair average quality
- É List of mills (along with capacity of each mill)
- É Quantity of grain given and received from each mill

**Information on procurement should also be displayed at the procurement centre-level and the block-level offices and at all other offices/sites involved in procurement of grain.**

**V. Disclosures at the Central Level (through the website) :**

- All relevant content related to procurement including details of agencies involved
- All relevant content related to transportation including details of agencies involved
- All relevant content related to distribution and linking to state level MIS
- Real-time information on grain movement
- All orders issued by the Ministry, Supreme Court etc. which affect the functioning of the PDS
- Monthly food grains bulletin (with information upto block-level)

**VI. Information from other sources (organisations involved in procurement, transportation etc.):**

All relevant information related to the PDS must be displayed on the website of the relevant organization and should be linked to the Ministry/Food Department website. Example- Railways, which is involved in transportation of food grains, should display real-time information on movement of grains on its website.

# **Templates for disclosures for Panchayat**



## 1. GENERAL INFORMATION

Designation	Name	Phone No
Name and Address of Sarpanch (Village Head)		
Name and Address of Chairman of Social Justice Committee of village		
Name and address of Panchayat Secretary (Talati)		
Revenue Secretary/Patwari		
Assistant secretary		
Name and address of Panchayat's Peon		
Name and address of operator of village water works		
Gramsevak (Dev)		
Gramsevak (Agriculture)		
Any Other		

## 2. Details about PIO and Appellate Authorities under RTI Act, 2005 (Should be displayed on outside wall of the Panchayat)

Heads	Name	Designation	Phone Number	Address
PIO				
First Appellate Authority				
Second Appellate Authority				

**Kindly bring to the notice of PIO if any information disclosed on the walls is misleading or wrong, or not updated. Citizen may also file complaint under section 18 of RTI Act to State Information Commission.**

### RIGHT TO INFORMATION ACT, 2005

- ❖ Citizen has the right to take photocopy, right to inspect the work and records, held by any public authority.
- ❖ Approach Public information Officer for information.
- ❖ Application for information need to be submitted to public information officer with application fee ----- which can be paid by: -----
- ❖ If you need assistance in writing application, PIO is supposed to help you as per provisions of the Act.
- ❖ PIO is supposed to furnish you information within 30 days. If information is not held by Panchayat, PIO may transfer your application to the respective public authority.
- ❖ Any information provided after prescribed time limit will be given free of cost.
- ❖ Citizen need not give application or application fee or wait for 30 days for inspecting any information that is disclosed on the walls.

- ❖ Citizen may also file direct complaint under section 18 of RTI Act, in case she/he does not get information or get misleading information.
- ❖ Citizen can file first appeal before Appellate authority.

### 3. Details of information about village population:

Type			
	Female	Male	total
<b>Total population</b>			
<b>SC</b>			
<b>ST</b>			
<b>Voters</b>			
<b>Type of family</b>			
<b>Total family</b>			
<b>BPL Card holder</b>			
<b>Antyodaya card holders</b>			

### 4. Details about Village Population (to be kept in File)

Type	population		
	Female	Male	Total/persons
Total Population of village (0 to 6 years children)			
Schedule Caste			
Schedule Tribe			
SEBC			
Minorities			
Others			
<b>Total Voters</b>			
Schedule Caste			
Schedule tribe			
SEBC			
Minorities			
Others			

Handicapped			
<b>Farmers (Land holders)</b>			
Schedule caste Farmers (Land holders)			
ST Farmers (Land holders) (Tribal )/Adivasi			
OBC Farmers (Land holders)			
MINORITY Farmers (Land holders)			
<b>Type of Families</b>			
<b>Total families</b>	<b>Numbers</b>		
BPL Families			
APL Families			
Antodyaya Families			
Annapurna Families			
<b>Families having toilets at their house</b>			
<b>Families not having toilets at their house</b>			
<b>Families having electricity connection</b>			
<b>Families not having electricity connection</b>			
<b>Families having agriculture land</b>			
<b>Landless families</b>			
<b>Marginal farmers</b>			
<b>Families having Tap connection in their house</b>			
<b>Families dwelling in Kucha houses</b>			
<b>Families having pucca houses</b>			
<b>Grazing land</b>	Hectares		
<b>Fallow Land</b>	Hectares		
<b>Wasteland</b>	Hectares		
<b>Village Revenue land</b>			
<b>Others</b>			

### 5. Information about animals in village (to be kept in file)

Species/type	Numbers
Cow	
Ox	
Buffaloes	
Goat	
Sheep	
Camel	
hen /poultry	

**6. Panchayat employees' duties (functions) and authorities (information with Patwari/village secretary, Gramsevak, etc.) (to be kept in file)**

Talati(Patwari)	
Panchayat secretary	
Gramsevak	
Peon/s	
Water work operator	
Others	
Do the above mentioned employees stay /reside in the village	

**7. Gram Sabha Details**

- ❖ **Minimum Gram Sabha held during the year:**
- ❖ **Date of last Gramsabha :**
- ❖ **Date of next Gramsabha :**
- ❖ **The officials from block level to be present:**

The proceedings of the Gramsabha and resolutions can be inspected from Panchayat free of any charge. The copy of which can be obtained upon paying photocopy charges.

**8. Details of meeting held at Panchayat**

Sr. No	Type of Meeting	Time span between two meetings	Where	participants	Who will chair?	Agenda
1	Ward Sabha (meeting)		Ward	10% of the voters (ward) required to be present	Ward panch	Work to be taken up at ward level & Schemes
2	Gramsabha		Panchayat level	10% of the voters (from panchayat) required to be present.	Sarpanch	Work to be taken up at Panchayat level & Schemes

3	Panchayat corum or Gram sachivalay		Panchayat	Ward panch and Panchayat employee	Sarpanch	Implementation of schemes, progress complaints etc. status, report,
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**9. Details of other committees at village level:**

Sr. No	Name of the committee	No of members	Meeting held	Date of last meeting	Next meeting
1	Social Justice Committee	5	Every 3 months		
2	Village Water Committee	12	Every 2 months		
3	Village Vigilance committee (MGNREGA)	7	Every 2 months		
4	Village Health committee	5	Every 2 months		
5	Vigilance committee for PDS	5	Every month		
6	School Management Committee				

The minutes of meetings are available in the Panchayat and can be inspected free of any charge. The copy can be obtained by paying photocopy charges.

Name of committee : Social Justice committee

Sr.	Name of Members	Designations	SC/ST/OBC/Others	Female/Male

--	--	--	--	--

**Name of committee : Village Water Committee**

<b>Sr.</b>	<b>Name of Members</b>	<b>Designations</b>	<b>SC/ST/OBC/Others</b>	<b>Female/Male</b>

**Name of committee : Village Health committee**

<b>Sr.</b>	<b>Name of Members</b>	<b>Designations</b>	<b>SC/ST/OBC/Others</b>	<b>Female/Male</b>

**Name of committee: Village ..... committee**

<b>Sr.</b>	<b>Name of Members</b>	<b>Designations</b>	<b>SC/ST/OBC/Others</b>	<b>Female/Male</b>

**Kindly prepare Information for every committee at village level (to be kept in file)**

**10. List of Records available for inspection free of charge at Panchayat Office. Copy can be obtained by paying photocopy charges.**

- 1. Panchayati Act, Rules**
- 2. MGNREGA Act, Guidelines, rules**
- 3. Right to Information Act and copy of rules**
- 4. Copy of Land revenue act/code**
- 5. Budget**
- 6. Audit Report**
- 7. Annual Administrative report of the panchayat (at least last five years)**
- 8. Proceedings and resolutions of Gramsabha.**

9. Proceedings and resolutions of meetings held by various committees like those mentioned above.
10. Report that are presented by government officials in the Gramsabha.
11. Revenue record (Register 6- A, - A etc)
12. Registers regarding MGNREGA
13. Voters list of the village
14. BPL List Card holders list
15. BPL Ration card holders List
16. Antyodaya Family List
17. Cash Book
18. Asset Register
19. Stock Register
20. Patta Register
21. Complaint Register

**11. Details of Panchayat taxes (to be kept in file)**

Type of tax	Responsible person	Number
House tax		
Sanitation tax		
Light tax		
General water tax		
Profession tax		
Land revenue		
Sewerage tax		
Diya Bati tax		
Fee: market fee		
Fee for use of well water for other purposes		
Fee for gutter cleaning		
Village choky fee		
Fee for animal keeping house		

**Attach panchayat tax rules here**

## 12. Panchayat Budget

Year	Revenue of Panchayat (income of panchayat)	Grants Received **	donation received	Total income	Private (Royalty, CSR, other income)	Total expenditure	Balance
2007-08							
2008-09							
2009-10							
2010-11							
2011-12							

**\*\*grants or assistance received from MPLAD/MLA, District Planning Board, development programme, 13th finance commission's grants and others**

## 13. Availability of Water

Type of Water body	Number	Area	Capacity of storing water
River/Dam			
Talab			
Handpump		NA	
Private wells			
Public Wells			

## 14. Schemes run by Central Government Assistance:

Sr. no	Scheme	Who is entitled?	What is the benefit?	Where to apply	Documents required for applying	Time limit of decision	Who will take the decision	Where to file appeal
	Indira Awas							




**15. Schemes run by State Government Assistance:**

<b>Sr. no</b>	<b>Scheme</b>	<b>Who is entitled?</b>	<b>What is the benefit?</b>	<b>Where to apply</b>	<b>Documents required for applying</b>	<b>Time limit of decision</b>	<b>Who will take the decision</b>	<b>Where to file appeal</b>
	<b>Indira Awas</b>							

**Waiting list of Indira Awas Yojana:**

<b>Name</b>	<b>Remark</b>

**16. List of Beneficiaries of various schemes of last five years:**

1. Housing Scheme
2. Pension Scheme (widow, old age, differently able)
3. Allotment of land patta
4. Bankable schemes

**Name of the scheme: .....**

<b>Name of person benefited</b>	<b>Year of receiving benefit</b>

### 17. Details of village development work

	type of work	number of works	Budget	incurred expenditure	status of work complete/ incomplete
1	Roads				
2	well recharge				
3	check dams				
4	Gutter				
5	Sanitation				
6	Anganwadi				
7	School				
8	community centre hall				
9	drinking water pipeline				
10	Others				

#### Details of work done: Road

From --- to - --	Year	Under which scheme	Estimated cost	Total cost	Date of completion of work

#### Details of work: Well recharging


**Details of work: .....**


**19. Details of other functions done by Panchayat, such as:**

- i. Birth Registration
- ii. Death registration
- iii. Valuation of house or shop
- iv. Entries of land entitlements in the register.

**20. Other facilities available in village (to be kept in file)**

Facility	where it is located in village /taluka	Contact	phone number
Milk cooperative society			
Agriculture cooperative society			
Bank			
Post office			
Fire brigade house			
Veterinary clinic			
seeds distribution			
Women groups			
Children groups			
Disaster mitigation and management unit			

**21. Regarding Police station**

<b>Address of police station or outpost</b>		
<b>Name of PI/PSI</b>		<b>Ph:</b>
<b>Name of Police Mitra</b>		<b>Ph:</b>
<b>Social defense officer name and address</b>		<b>Ph:</b>

**Instructions:**

Copy of all GRs, circulars, GOs, OMs, policies, rules, guidelines received by Panchayat, or reports, budgets, list of proposed beneficiaries, submitted by Panchayat should be marked to RTI file (pro-active disclosure file).

# **Templates for disclosures for MGNREGA**

### 1. Job Card Board in Every village (on the wall and file)

(All the job card holders name to be displayed on this board, including those who have not applied for any work or not worked even for a day)

Name of the Job card holder	Job card Number	Year									
		2010-11		2011-12		2012-13		2013-14		2014-15	
		Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount

### 2. Table showing details for development works as under:

Sr. No	Name of the work	Code of the work	Sanctioned amount			Amount spent			Work commenced on	Work completed on	Status of work	
			Labour	Material	total	Labour	Material	total			complete	incomplete
1												
2												

### 3. Details of material used:

Sr. No	Name of the work	Cement		Boulders		Pebbles		Sand		Bricks		Water			
		Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate

### 4. List of registers to be maintained at Panchayat level for MGNREGA:

List applications for registration	list of sanction works
Registration list	Payment register
List of job card issued to	Unemployment Allowance Register
Job Card Register	Employment Register
estimates of sanctioned work	Allotment of Work

	register
Muster roll received register	Muster roll issue register
Asset Register	Cash Book
Complaint register	

**5. About Social Audit :**

Name of Social audit team members	Date of Last meeting	Date of next meeting

**6. Display board at work place**

Name of work/description					
Sanction cost of work A-MATERIAL COST B-WAGES SKILLED UNSKILLED					
Date of work started					
expected date of work completion					
No of workers present	Physically challenged	Old age	pregnant	other	total

# **Templates for disclosures for government schools**



**I. Information to be displayed at the government schools:**

**Sample Board 1: Details of information for Grievance Redressal**

Nature of Information	Authority for redressal	Name of redressal officer	Office Address and phone number	Time lines For redressal	Public Dealing Day and time	Appellate Authority and process of appeal
Issues Related to Availability/Appointment of Teachers						
Issues related to admission						
Issues related to school infrastructure						
Issues related to corporal punishment, discrimination, child rights						
Issues related to incentive schemes						
Issues related to MDM						
Issues related to Financial allocations to school						

**Sample Board 2: Teacher information:**

**Teachers' Information Month and Year**

**(update every month)**

Sr.	Name of Teacher	Male/ Female	Date of Joining School	Class and Subject of Teacher	Salary	Number of days taught in the month	Number of days and nature of non-instructional work (including in service trainings)
Head Teacher							

Number of Sanctioned Posts \_\_\_\_\_

Number of Vacant Posts \_\_\_\_\_

Number of Teachers on Deputation \_\_\_\_\_

Please make available service conditions and transfer policy of all teachers in hard copy

**Sample Board 3: Student Enrolment Information: (Hard Copy)**

**This information to be compiled and kept available for each academic year**

Categories	Class I		Class II		Class III		Class IV		Class V		Class VI		Class VII		Class VIII	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
<b>Children with Special Needs</b>																
<b>SC</b>																
<b>ST</b>																
<b>OBC</b>																
<b>Minorities</b>																
<b>Others</b>																
<b>Total</b>																

**Sample Board 4: Entitlement and Incentive Information:**

	Nature of Incentive/ Entitlements	Eligibility criteria	Amount to be Disbursed	Number of students eligible for the same	Number of students who have received	When disbursed [specify date]	Dated Receipt given And by whom
1	Textbooks						
2	Uniform						
3	Scholarships						
4	Any other						

**Information to be provided in details in hard copy -name of beneficiary, grade, name of guardian, address and contact details of beneficiary.**

**Sample Board 5: Details of budgetary expenditure: (in Hard Copy)**

**Detail of budget received by the school**

Name of Budget Head	Amount Received	Date of Receipt	Amount Spent	Period of Expenditure	Nature of expenditure
Teaching Learning Material (TLM)					
School Development Grant (SDG)					
Maintenance					
Additional Classrooms					
Major Repairs					
Computer Aided Learning					
Any other					
<b>Total</b>					

**Sample Board 6: Information about School Management Committee (SMC)**

Date of appointment/constitution of committee:

Sl. No.	Name of member	Designation	Male/female	Category	Name and Class of Child whose parent is a member

**Date of Next Meeting of SMC \_\_\_\_\_ (to be updated monthly)**

**Sample Board 7: Details of School Management Committee: (In Hard Copy)**

Sl. No.	Date of Meeting	Number of members present	Name of Person holding meeting register
1			
2			
3			
4			

**Sample Board 8: Copy of the Three Year Long SDP, with annual sub-parts,  
Copy of the DISE Report Card**

**Sample Board 9: Details of Mid Day Meal (MDM):**

<b>Day</b>	<b>Menu to be Served</b>	<b>Menu Served</b>
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		

To be made available in hard copy: copy of order of State Government on MDM as per Supreme Court order, supply register of MDM- norm of supply/delivery to include amount and date of delivery on a monthly basis, actual date of delivery and actual amount received, and payment register/record on MDM-Name of cook, payment received-date and amount of the payment received by the cook.

**Sample Board 10: Details of Inspection of School: (In Hard Copy)**

<b>Sl. No.</b>	<b>Name of Inspector</b>	<b>Date of Visit</b>	<b>Details of officer from who Inspection report can be accessed</b>

**Sample Board 11: Issues Inspected by the School Inspector:**

<b>Sl. No.</b>	<b>Items</b>	<b>Inspectors Comments</b>
1.	<b>State of Infrastructure</b>	
a.	Classrooms	
b.	Toilets	
c.	Drinking Water	
2.	<b>Teachers</b>	
a.	Attendance	
3.	<b>Quality of Teaching</b>	
a.	State of notebooks	
b.	State of learning abilities	
4.	<b>Children Related</b>	
a.	Attendance	
b.	Any other	

**Date of last Inspection:**

\_\_\_\_\_

**Name of officer from whom the Inspection Report can be accessed**

\_\_\_\_\_

**Sample Board 12: Medical Facilities available:**

<b>Medical Facility</b>	<b>Name/ Contact person</b>	<b>Address and Phone Number</b>
Visiting Doctor		
Nurse		
Primary Health Centre		
Ambulance		
Any other		

**Please also mention where the first-aid box is available in the school premise**\_\_\_\_\_

**Sample Board 13: Schemes and Programmes Implemented in School: (Hard Copy)** including under innovation fund, PPP, others and principal components of the same.

**Sample Board 14. Support system for Children with Special Needs: (Hard Copy)**

**Sample Board 15: Public Notice on Right to Information Act:**

**Public Notice on Right to Information Act**

**Right to Information Act 2005**

Under the RTI Act, citizens have the right to access information from the school and the Department of Education.

- Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).
- RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.
- No fee for citizens below the poverty line
- Information will be provided within 30 days
- In case information is incomplete or unsatisfactory, first appeal to be made to the First Appellate Authority

**Name, designation and contact details of relevant officials under the RTI Act**

Official in custody of information in hard copy in school	Name of officer	Designation of officer	Room no. and Public Dealing Time	Mobile phone no.

Public Information Officer (PIO)	Name of officer	Designation of officer	Room no.	Mobile phone no.

First Appellate Authority (FAA)	Name of officer	Designation of officer	Room no.	Mobile phone no.

**II. List of Information that needs to be made available at Zonal /District Office of Education Department**

**Sample Board 1: Roles and Responsibilities:**

Nature of Information	Designation/Authority level responsible	Name of the official	Office Address and Phone No.	Public Dealing Day and time	Name and designation of the Redressal Officer	Timeline for Redressal
Issues related to availability/appointment of teachers						
Issues related to admission						
Issues related to school infrastructure						
Issues related to mental and physical harassment, discrimination and child rights						
Issues related to incentive schemes						
Issues related to Mid Day Meal						
Issues related to Financial allocations to school						
Others						
<b>OVERALL GREVIANCE REDRESSAL STATUS:</b>						
<b>Number of Complaints Received This Month:</b>						
<b>Number of Complaints Redressed:</b>						
<b>Total Number of Complaints Unresolved :</b>						
<b>Phone number of Child Helpline</b>						
<b>Phone number of RTE helpline if available</b>						

1. Organogram
2. Copy of the Citizen's Charter
3. School wise School Development Plans (SDPs)
4. Process document of compilation of School Development Plans (SDPs)
5. Copy of Aggregated SDP
6. District Plan under SSA- Details of the planning process undertaken, including time when it is done at each stage and names of people responsible.
7. District Report Card of DISE
8. All circulars/orders/notice/notifications issued to be displayed for the period of week, summary of orders, backlog/previous orders/circulars/notice/notifications can be obtained at particular time from particular person. The name, designation, and time of availability for public viewing to be clearly displayed on board.

9. Information of all projects running in District- including government schemes, schemes functioning under Innovation Fund and those under PPP mode. Details to be included are- department running scheme, nature of input provided/service provided under partnership, quantum of funds disbursed by government, name of private partners and contribution of private partner (if applicable).

**10. District office to display/make available all information of each block-**

	Block 1	Block 2
Number of Schools Overall		
<b>Elementary Schools</b>		
Primary		
UP		
Elementary (Class 1-8)		
Total Schools having elementary sections		
Total Schools RTE compliant on teacher availability		
Total Schools RTE compliant on infrastructure		
Total Schools RTE compliant on all indicators		
Secondary		
Higher Secondary		
<b>Pre- Primary Education</b>		
ICDS Centres		
Preschools		
Schools with PS section		
<b>Specified Category Schools</b>		
Kendriya Vidyalaya		
Sainik Schools		
Navodaya Schools		
SC Hostels		
Tribal Ashrams		
<b>Residential Schools</b>		
Residential Bridge Course		
Non-Residential Bridge Course		
Seasonal Hostels		
KGBVs		
Model Schools		
Special Schools for Children with disability (will also need to be broken into multi-disability special schools, and for the individual specific disability)		
Schools imparting special training within the existing school		



premises and ongoing processes		
<b>Private Schools</b>		
Aided		
Total seats in the incoming school		
Total seats reserved for weaker /disadvantaged section (as per aid)		
Unaided		

### School wise details in Hard Copy

#### 11. Teachers Information:

		Total	Block 1	Block 2
	Total Number of Teachers			
	(Teachers by regular/para-teachers/contract teachers/guest teachers)			
	Number of Resource Teachers for Children with Disability			
	Number of Subject teachers-Health and Physical Education			
	Number of Subject teachers-Art Education			
	Number of Subject teachers-Work Education			
	Residential Facilities and Special Training Related Information*			
	Residential Bridge Course			
	Non-Residential Bridge Course			
	Seasonal Hostels			
	Month (from-to) when Hostels run			
	Schools imparting special training within the existing school premises and ongoing processes			
	KGBVs			
	Tribal Hostels			
	SC Hostels			
	Mobile School or other means of imparting education to migrant population			

\* Information about villages/schools where these are provided to be made available on request.

#### 12. Names of teachers receiving awards for meritorious work and name of awards

### 13. Financial/ Budget related details

	Account Head	Allocation	Money Received	Date of Receipt	Date of Disbursal	Money Spent

This information will need to be contextualised based on State.  
Both aggregate budgetary information and for individual blocks and panchayats and schools to be provided in Hard Copy

### 14. Child Population Details

			Total	Block 1	Block 2	Block 3	
6-14	Total Population	Total					
		Boys					
		Girls					
		Dalits					
		SC					
		ST					
		Minority					
		CWSN					
	Out of School	Total					
		Boys					
		Girls					
		Dalits					
		SC					
		ST					
		Minority					
CWSN							
	Other groups defined as marginalized group in State Rules						

15. **Teacher training Institutes-** DIET, Private B.Ed College, BRC, etc.- Number, Courses Run, Number of Seats, Free/Paid, Institution has been granted recognition by what body.

16. **Inspection reports:** for both government and private schools to be made available. The data to include, name of inspector, number of schools under him/her, dates of the visits made to the schools allocated to him/her, and details of inspection undertaken. (To be compiled and made available on a monthly basis)

**17. Information of all private schools in the district:**

S . No	Name	Address	Recognition Status	Affiliation to which Board	Name of society/ managing body	Total No of seats (incoming class)	No. seats under 25 %	No. of applications received	No of seats filled	Contact person in the school	Period of admission (starting & closing)	Status of RTE compliance

F. No 1/6/2012 -IR  
Ministry of Personnel, PG and Pensions  
Department of Personnel and Training,

North Block, New Delhi-110001  
Dated 18th July, 2013

**Office Memorandum**

Subject: Guidelines on Awareness Generation and Capacity building components of the Centrally Sponsored Scheme on "Improving Transparency and Accountability in government through effective implementation of Right to Information Act" for the year 2013-2014 to 2015-2016

**1.0 Introduction**

The Right to Information Act was enacted in 2005 to further the objectives of making the governance more transparent and accountable. In the last 7 years, an elaborate institutional mechanism, including setting up of Information Commissions, designation of large number of officers as CPIOs/ SPIOs and Appellate Authorities and laying down of detailed guidelines and instructions for dealing with RTI requests, has been set up, in line with the mandate of the Act, to ensure that the right of information is exercised freely and with ease.

To further strengthen the RTI regime, a centrally sponsored scheme was launched in 2008 with the primary objective of creating awareness and for training of officers, both in central and state governments. This scheme was sanctioned for 2 years. A new scheme titled 'Improving transparency and accountability in government through effective implementation of Right to Information Act' was approved for the remaining two years of the 11<sup>th</sup> Plan period (2010-11 and 2011-12). Guidelines for sanction and release of funds to SICs and ATIs for two components of the scheme namely 'awareness generation and capacity building' were issued vide O.M. No.1/6/2010-IR dated 16.8.2010. Almost all the ATIs availed of the grants given by this Department for the various activities under the components of awareness generation and capacity building.

Keeping in view the feedback received from the ATIs and the evaluation of the scheme conducted by IIPA, the guidelines on the various components of the plan scheme for which financial support would be provided by DOPT to the ATIs and SICs are revised as follows:-

## 2.0 Awareness Generation for RTI:

Both Central and State Governments are obligated to create awareness about the provisions of the Act. Financial assistance under this component will be provided to supplant these efforts of State Governments:

- (i) **RTI Week Celebration:** RTI Week is celebrated every year during 5<sup>th</sup> – 12<sup>th</sup> October. SICs will be provided financial assistance of up to Rs. 3.00 lakh each based on their proposal, for taking up various activities which may include conducting workshops, seminars, press-meets, competition in colleges on RTI related themes, etc. Although expensive publicity through print/electronic media will not be supported, funds may be used for displaying hoarding, etc, for publicizing the RTI Act.
- (ii) **Innovative Awareness Generation Programmes:** ATIs will be provided up to Rs 4.00 lakh each, based on their proposals, for innovative awareness generation activities which may include nukkad nataks, use of local folk troupes, development of publicity material in local languages, distance learning programmes, online certificate courses in regional languages, etc. for awareness generation regarding RTI.
- (iii) **Organization of Workshops / Seminars:** ATIs will be provided a sum of Rs 1.00 lakh per workshop / seminar organized on RTI related themes such as best practices and success stories on RTI, suo motu disclosure, etc on the basis of a proposal. The workshop may include Public Authorities of State/Centre, media persons, Civil Society Organisations, etc.
- (iv) **Publication of guidebooks:** ATIs will be provided funds for getting guidebooks published in regional languages.
- (v) **Help Desk in ATIs:** ATIs may explore the possibility of setting up help desk for answering queries of the general public regarding RTI Act in the regional language. Funds would be granted to ATIs based on their respective proposal. Such help desks could be set up in collaboration with NGOs working in the field of RTI.

## 3.0 Support for Capacity Building -Training of SPIOs/CPIOs and First Appellate Authorities (FAA).

State ATIs will be supported for undertaking training of SPIOs/CPIOs and AAs in a cascade model. In the first instance, ATIs will train District Resource Persons (DRPs) who will in turn train SPIOs/CPIOs and AAs in the districts.

- (a) **Training of DRPs:** This training will be organized at the ATIs. It is planned that 3 DRPs per district will be trained in a year. Financial

assistance will be provided for these trainings up to Rs 1000 per participant per day for a 2-3 day residential course. Selection of DRPs will be made by ATIs.

- (b) **Training of CPIOs/SPIOs, AAs and staff of State /Central Govt Offices:** These training programmes will be conducted at the district headquarters by the DRPs under the overall supervision of the ATIs. Each course will be non-residential and will be of 2 day duration. Financial assistance up to Rs 750/- per participant per day will be provided to ATIs based on a detailed proposal. This will cover all the incidental expenses involved in the training such as on refreshments for the participants, honorarium to DRPs, hiring of audio visual equipment and other contingencies. The training programmes must also include a segment on record management.
- (c) ATIs may avail an additional assistance of up to Rs. 3.0 lakhs for preparation of training material and for meeting administrative contingencies based on their proposal and the training load.

**4.0 Simplification of processes for filing of RTI –** The facility of filing RTI applications and appeals online through RTI online web portal has been launched and is being implemented in all the Ministries/Departments of Govt of India situated in New Delhi. The same facility can be extended to the State Govt offices by sharing with them the software developed by NIC(Headquarters), New Delhi. The ATIs may play the role of catalyst in the implementation of the facility in the Public Authorities located in the state. Proposals in this regard are invited from ATIs and funds would be granted on the basis of such proposal.

**5.0 Improved record management /Suo motu disclosure–** In order to attend to RTI requests promptly, it is necessary to index and store records properly. Similarly, suo motu disclosure would help in disseminating as much information as possible to the public which would obviate the need to seek information through RTI. GOI has issued guidelines on suo motu disclosure under Section 4 of RTI Act, 2005 to be followed by the Ministries/Departments of GOI. It would be desirable that such guidelines are adopted by the State Governments as well. DOPT would grant funds under this scheme as follows:-

- i. If any State Government is willing to implement these guidelines in their respective Public Authorities, ATIs can do the necessary handholding of the PAs. Proposals are invited from ATIs in this regard and financial assistance required for such handholding shall be provided to the ATIs based on their proposals.
- ii. ATIs can also conduct audit of suo motu disclosure of Public Authorities in their respective states either themselves or through an NGO/agency. Funds would be granted to ATIs to conduct such audit based on their proposals.

**6.0 Institutional mechanism for collaborative working with CSOs and Media:**  
DOPT would provide funds upto Rs.5 Lakhs(in each case) for field based study/research on RTI. The ATIs may invite proposals for field based study/research on RTI from Civil Society Organisations or individuals. Proposals found suitable may be submitted to DOPT for final selection. Funds would be granted by DOPT only for the selected proposals. Mentoring for the study/research would be provided by the ATIs.

**7.0 Sanction and release of Financial Assistance:**  
SICs and ATIs are required to submit detailed proposals for seeking financial assistance for 2013-14 under the scheme, as per proforma at Annexure 1. The proposal must include detailed cost estimates for various activities and the time-lines for physical achievement. Scheme Monitoring Committee (SMC) will review the proposals and sanction assistance.

Funds will be released to ATIs and SICs directly as per the following:

- (a) Funds will be released only if UCs for funds provided to the SIC (for awareness generation activities) or the ATI (for training/ awareness generation/capacity building), as the case may be, for 2008-09, 2009-10, 2010-11, 2011-2012 and 2012-13 have been received.
- (b) Subject to (a) above financial assistance would be released in one installment immediately upon sanction, and receipt of UCs, receipt of financial and physical progress.
- (c) The UCs for the grants that would be given in the financial year 2013-14 would become due in March 2015. However, further funds in 2014-15

would be released only on receipt of UCs and statement of physical achievement for the financial year 2013-14.

- 8.0 The first meeting of the SMC is scheduled for late August 2013. All complete proposals received in DOPT by 20<sup>th</sup> August, 2013 will be processed and put up before SMC. SICs and ATIs are requested to submit their proposals in the prescribed proforma as soon as possible. In case, you need any information, you may contact Shri Sandeep Jain, Director (IR) at contact details given below.
- 9.0 These guidelines are in supersession of OM No. 1/6/2010-IR dated 16<sup>th</sup> August, 2010.
- 10.0 Proposals may be sent in the prescribed proforma (Annexure) to Shri Sandeep Jain, Director(IR), Room No. 279, Department of Personnel and Training, North Block, Telephone 23092755, email [osdrti-dopt@nic.in](mailto:osdrti-dopt@nic.in)

*Sarita Nair*

(Sarita Nair)  
Under Secretary (IR)  
Tel No 23040401 Fax 23093022  
e-mail- [usir-dopt@nic.in](mailto:usir-dopt@nic.in)

To

1. Secretary ( State Information Commission) (all State Information Commissions as per list attached)
2. Director- General/ Director (State Administrative Training Institute) (all ATIs as list attached)
3. Deputy Secretary(Fin.Pers), Ministry of Home Affairs, North Block, New Delhi



**Application Proforma**

**Centrally Sponsored Scheme on Improving Transparency and Accountability  
in Government through effective Implementation of Right to Information Act**

To be submitted in five copies.

The format given below should be neatly typed on separate sheets giving item-wise information

Application in an incomplete form will not be entertained

<b>A</b>		
<b>1</b>	<b>Component for which assistance sought (Para of guidelines to be mentioned)</b>	
<b>2</b>	<b>Institution- SIC/ATI/CTI</b>	

<b>B. Details of Institution</b>		
<b>1</b>	<b>Name of the Institution</b>	
<b>2</b>	<b>Particulars of the Institution</b>	
<b>i</b>	<b>Complete postal address</b>	
<b>ii</b>	<b>Telephone Nos.</b>	
<b>iii</b>	<b>Fax Nos.</b>	
<b>iv</b>	<b>E-mail Address</b>	
<b>3</b>	<b>Particulars of Nodal Officer</b>	
<b>i</b>	<b>Name</b>	
<b>ii</b>	<b>Designation</b>	
<b>iii</b>	<b>Tel and Fax No. (including mobile no.)</b>	
<b>iv</b>	<b>E- mail id</b>	
<b>4</b>	<b>Bank Details:</b>	
<b>i</b>	<b>Bank Name and Branch</b>	
<b>ii</b>	<b>Name of Account Holder</b>	
<b>iii</b>	<b>Account No.</b>	
<b>iv</b>	<b>IFSC Code</b>	
<b>V</b>	<b>MICR Code</b>	

<b>C. Details of Proposal</b>	
<b>1</b>	<b>Proposed Activities</b>
<b>2</b>	<b>Time Lines</b>
<b>3</b>	<b>Detailed estimates of expenditure activity wise</b>
<b>4</b>	<b>Total amount of grant required</b>

**D. It is certified that:-**

1. All funds released under the Centrally Sponsored Schemes on 'Strengthening, Capacity Building and Awareness Generation for the effective implementation of the RTI Act 'and "Improving Transparency and Accountability in Government through effective implementation of RTI Act" in the previous years have been fully utilized for the purpose for which they were released and Utilization Certificates have been submitted alongwith statement of physical achievement
2. Once the estimates of expenditure are approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the institution without prior approval of the sanctioning authority of the grant.

(Signature) \_\_\_\_\_  
Name of the Officer \_\_\_\_\_  
Designation \_\_\_\_\_

**Note:** Should be signed by DG/Director in case of ATI and by Secretary in the case of SIC

No. 11/2/2013-IR (Pt.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi,  
Dated the 14<sup>th</sup> August, 2013

**OFFICE MEMORANDUM**

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."* The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093668

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/ 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.

**Central Information Commission, New Delhi**  
**File No.CIC/SM/A/2013/000058**  
**Right to Information Act-2005-Under Section (19)**

**Date of hearing** : 26/06/2013

**Date of decision** : 26/06/2013

**Name of the Appellant** : Sh. Manoj Arya,  
(RTI Activists and Social Worker) 67, Sec-  
12, CPWD Flats, R K Puram, New Delhi  
-110022

**Name of the Public Authority** : Central Public Information Officer,  
Cabinet Secretariat,  
(Vigilance & Complaint Cell), 2nd Floor,  
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

**Chief Information Commissioner** : **Shri Satyananda Mishra**

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

6. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**

**Chief Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**

**Deputy Registrar**

F. No 1/22 /2013 - IR  
Ministry of Personnel, PG and Pensions  
Department of Personnel and Training,

North Block, New Delhi-110001  
Dated : 1<sup>st</sup> November, 2013.

Office Memorandum

Subject: Guidelines on Internship for Undergraduates pursuing five year integrated course in Law or graduates pursuing Bachelor's degree in Law under the Centrally sponsored Scheme on "Improving Transparency and Accountability in government through effective implementation of Right to Information Act" for the year 2012-2013

**1.0 Introduction**

The Department of Personnel and Training (DOPT), Ministry of Personnel, Public Grievances and Pensions, Government of India, is the nodal Ministry for the Right to Information Act. It is administering a Plan scheme titled 'Improving Transparency and Accountability in Government through effective Implementation of the Right to Information Act'. The primary goal of the scheme is to contribute towards more accountable and transparent government and it has several components including programmes for awareness generation, training and e-governance initiatives for RTI for achieving the purpose.

Department of Personnel and Training has been conducting Internship Programme for the Ministries and Departments in the Government of India, which is beneficial both to the Departments and the interns. This will help the Ministry/ Department consolidate and document its experience in the implementation of RTI, its successes, constraints in implementation, identify the areas which need more attention, address the gap areas and suggest what more needs to be done to help achieve the objectives of the Act. The interns would be familiarized with the process of seeking information and enabling access to information under the RTI regime.

Under the scheme, DOPT is offering short-term internships to Undergraduates who are in the second year pursuing five year integrated course in Law or graduates in the first year pursuing three year graduation course in Law from a recognised and reputed University to conduct an analysis of RTI Applications in select public authorities.

**2.0 Areas of Study and Research Output**

The RTI Internship is being offered to analyze a sample of the RTI applications received in the year 2012-2013 by select public authorities. The analysis of the applications would aim to get an overall picture of the applications received and do an indepth study of the information sought and the response by the CPIO/ Public Authority. Templates of the expected outputs are enclosed. **Template I** covers the preliminary analysis of the Public Authority while **Template II** covers the detailed analysis of the selected

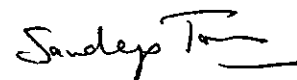
RTI applications. The interns would also study the status of Suo Motu disclosure of the Ministry/Department allotted to them for their internship and would submit a report in this regard, as per the guidelines mentioned at Annexure I.

### 3.0 Guidelines/ Salient Features of the Internship Programme

Duration	<ul style="list-style-type: none"> <li>The internships would be for duration of one month starting 1<sup>st</sup> January, 2014</li> <li>The internship programme is neither a job nor any such assurance for a job in the Department of Personnel of Training or any other Ministry/ Department in Government,</li> </ul>
Remuneration	Travel costs of interns will be reimbursed on actual basis up to Rs. 5000/- on submission of reports.
Logistic Support	Interns will be provided with the necessary logistics support i.e, office space and photocopy facility.
Submission of Paper	The Interns will be required to submit to the Department of Personnel and Training and the selected Ministry/ Department a report on the Areas of study as detailed above.
Placement	The Interns will be placed in selected Ministries/ Departments
Certificate of internship	Certificates will be issued on satisfactory completion of their internships and on submission of their Reports

### 4.0 Methodology

- The Department of Personnel and Training will coordinate with the selected Public Authorities for the internship programme.
- An initiation workshop will be held for the interns at the beginning of the internship. The work of the interns will be monitored through weekly interactions with the interns by the Department of Personnel and Training.
- The interns will be allotted to selected Public Authorities. The interns will report to a nodal officer of the selected Public Authority. The interns will spend 2(**two**) weeks to study and analyze the RTI applications and one week to study the status of Suo Motu Disclosure of the Ministry/Department concerned. The last week would be devoted to writing the report.
- The interns will be required to study the applications received by atleast 5 CPIOs within the public authority which receive the maximum applications. They will be required to select randomly 20 applications( which are not older than 6 months) from each CPIO for study.
- Copies of all RTI applications analysed will be submitted to DOPT alongwith the report. A soft copy of the templates and report on suo motu disclosure has to be submitted to the email id [usir-dopt@nic.in](mailto:usir-dopt@nic.in) by 1<sup>st</sup> February, 2014. Non submission of either will be treated as an incomplete report.



(Sandeep Jain)  
Director (IR)

Tel No. 23092755

e-mail [osdrti-dopt@nic.in](mailto:osdrti-dopt@nic.in)



TEMPLATE I -Public Authority Level Analysis		
Sl. No		
1	No of applications recieved by the PA in 2012-13	
2	No of CPIOs in the PA	
3	Level of CPIOs	Section Officer
		Under Secretary
		Deputy Secretary/ Director
4	No of CPIOs trained	100%
		50%
5	No of CPIOs trained in 2011	
6	RTI Cell	Yes
		No
7	LOGO displayed on stationary	Yes
		No
8	Logo displayed on the point of receiving applications	Yes
		No
9	infrastructure availability	photocopier
		scanner
		CD writer
10	suo motu disclosure	17 points
		14-16 points
		10-13 points
		<10 points
11	Yearly updation of suo motu disclosure	Yes
		No
12	Time Dating of suo motu disclosure	Yes
		No
13	Responsibility of Suo motu disclosure	1 Nodal officer
		Distributed
14	RTI-MIS use	Yes
		No
15	No of penalties imposed on the CPIOs of the Public Authority during 2012-13	
16	No of cases of disciplinary proceedings recommended by CIC during 2012-2013	









40	Last weeding out of records done	In Month, Year																			
		Not done yet																			
41	Time taken to retrieve old records	upto 1 day																			
		2-5 days																			
		More than a week																			
42	Is there a Central record room for all sections	Yes																			
		No																			
<b>First Appeal</b>																					
43	First Appeal filed	Yes																			
		No																			
44	Basis of Appeal	Information not given																			
		Information not given in time																			
		Additional fee sought																			
		Reasons for rejection not conveyed																			
		Insufficient information given																			
		Information given is not correct																			
45	Was a copy of the RTI application and reply of CPIO annexed	Information given but applicant not satisfied																			
		Information given but not received by applicant																			
		Yes																			
		No																			
46	Did the appeal stick to the information sought in the RTI application	Yes																			
		No																			
47	Personal hearing sought	Yes																			
		No																			
48	Personal hearing given	Yes																			
		No																			
49	FAAs decision	accept the appeal																			
		reject the appeal																			
		Directions to CPIO																			
<b>Experience of FAA</b>																					



**ANNEXURE -I****REPORT ON SUO MOTU DISCLOSURE BY THE PUBLIC AUTHORITY**

The interns should study the status of suo motu disclosure in detail and should also discuss about the same with the concerned officer(s) of the public authority. After detailed analysis and discussion, the interns should submit a report on the status of suo motu disclosure. The report should, inter-alia, cover the following points:

- (i) The quantity of information displayed under suo motu disclosure viz. the number and details of items displayed, with regard to section 4(1)(b) of the RTI Act, 2005 and DoPT's OM No.1/6/2011-IR dated 15.04.2013;
- (ii) The quality of such information displayed (against each item) viz. whether complete information has been displayed, whether the information displayed is easily understandable by any citizens, whether information displayed is easily searchable etc.;
- (iii) Whether the information displayed is regularly updated, with dates of updation;
- (iv) Problems being faced, if any, by the public authority in making suo motu disclosure;
- (v) Additional resources required, if any, by the public authority for better suo motu disclosure;
- (vi) Whether any officer(s)/section(s) has been given the responsibility of ensuring adequate quantity and quality of suo motu disclosure and details thereof;
- (vii) Whether any audit of the suo motu disclosure has been made within the Department or by any independent agency and details thereof.

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**No.1/1/2013-TR**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

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North Block, New Delhi  
Dated: 12/08/2013

**OFFICE MEMORANDUM**

**Subject: Extension of RTI web portal for online filing of RTI application.**

In continuation of this Department's O.M. of even number dated 22/04/2013, it is intimated that the facility of RTI online web portal has been extended to 37 Ministries/Departments of Government of India, so far (list enclosed). This facility would be extended to all the remaining Ministries/Departments of Government of India with effect from 21<sup>st</sup> August, 2013. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

2. It is again requested that training to all the CPIOs and First Appellate Authorities (FAAs) may be provided by the concerned Ministry/Department, through the officials trained by DoPT/NIC. If required, further training can be provided by DoPT/NIC, on the request of the concerned Ministry/Department. User name/password to all the CPIOs and FAAs are to be provided by RTI Nodal Officers of the concerned Ministry/Department. It is imperative that the RTI Nodal Officers update the details of CPIOs/FAAs in the system and issue user name and password to them at the earliest.

3. The contents of this OM may be brought to the notice of all concerned.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary  
Tele : 23093668

**All the Ministries/Departments of the Government of India (except in the list enclosed)**

Copy to:

1. 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, Planning Commission, Election Commission.

2. Central Information Commission.

3. Staff Selection Commission, CGO Complex, New Delhi

4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

**LIST OF MINISTRIES/DEPARTMENTS TO WHOM RTI ONLINE WEB PORTAL  
FACILITY HAS BEEN EXTENDED**

1. DEPARTMENT OF AGRICULTURE RESEARCH & EDUCATION
2. DEPARTMENT OF AGRICULTURE & COOPERATION
3. DEPARTMENT OF ANIMAL HUSBANDRY, DAIRYING & FISHERIES
4. DEPARTMENT OF AYUSH
5. DEPARTMENT OF CHEMICALS & PETROCHEMICALS
6. DEPARTMENT OF COMMERCE
7. DEPARTMENT OF CONSUMER AFFAIRS
8. DEPARTMENT OF DISINVESTMENT
9. DEPARTMENT OF FOOD & PUBLIC DISTRIBUTION
10. DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION
11. DEPARTMENT OF PERSONNEL & TRAINING
12. DEPARTMENT OF PUBLIC ENTERPRISES
13. MINISTRY OF CULTURE
14. MINISTRY OF EXTERNAL AFFAIRS
15. MINISTRY OF FOOD PROCESSING INDUSTRIES
16. MINISTRY OF HEALTH & FAMILY WELFARE
17. MINISTRY OF HOME AFFAIRS
18. MINISTRY OF INFORMATION & BROADCASTING
19. MINISTRY OF PANCHAYATI RAJ
20. MINISTRY OF POWER
21. MINISTRY OF ROAD TRANSPORT & HIGHWAYS
22. MINISTRY OF STEEL
23. PRESIDENT SECRETARIAT
24. VICE-PRESIDENT SECRETARIAT
25. MINISTRY OF WATER RESOURCES
26. UNION PUBLIC SERVICE COMMISSION
27. DEPARTMENT OF ECONOMIC AFFAIRS
28. DEPARTMENT OF REVENUE
29. DEPARTMENT OF YOUTH AFFAIRS
30. MINISTRY OF ENVIRONMENT & FORESTS
31. DEPARTMENT OF HEAVY INDUSTRY
32. MINISTRY OF TOURISM
33. MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
34. MINISTRY OF SHIPPING
35. MINISTRY OF CORPORATE AFFAIRS
36. PLANNING COMMISSION
37. DEPARTMENT OF ADMINISTRATIVE REFORMS & PG

**No.1/1/2013-TR**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

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North Block, New Delhi  
Dated: 30/07/2013


**OFFICE MEMORANDUM**

**Subject: Extension of RTI web portal for online filing of RTI application.**

In continuation of this Department's O.M. of even number dated 22/04/2013, it is intimated that the facility of RTI online web portal has been extended to 37 Ministries/Departments of Government of India, so far (list enclosed). It is planned to extend this facility to all the remaining Ministries/Departments of Government of India by mid August, 2013. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

2. It is again requested that training to all the CPIOs and First Appellate Authorities (FAAs) may be provided by the concerned Ministry/Department, through the officials trained by DoPT/NIC. If required, further training can be provided by DoPT/NIC, on the request of the concerned Ministry/Department. User name/password to all the CPIOs and FAAs are to be provided by RTI Nodal Officers of the concerned Ministry/Department. It is imperative that the RTI Nodal Officers update the details of CPIOs/FAAs in the system and issue user name and password to them at the earliest.

3. The contents of this OM may be brought to the notice of all concerned.



(Sandeep Jain)

Director

Tele : 23092755

**All the Ministries/Departments of the Government of India (except in the list enclosed)**

**Copy to:**

1. 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, Planning Commission, Election Commission.

2. Central Information Commission.

3. Staff Selection Commission, CGO Complex, New Delhi

4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

**LIST OF MINISTRIES/DEPARTMENTS TO WHOM RTI ONLINE WEB PORTAL  
FACILITY HAS BEEN EXTENDED**

1. DEPARTMENT OF AGRICULTURE RESEARCH & EDUCATION
2. DEPARTMENT OF AGRICULTURE & COOPERATION
3. DEPARTMENT OF ANIMAL HUSBANDRY, DAIRYING & FISHERIES
4. DEPARTMENT OF AYUSH
5. DEPARTMENT OF CHEMICALS & PETROCHEMICALS
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7. DEPARTMENT OF CONSUMER AFFAIRS
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26. UNION PUBLIC SERVICE COMMISSION
27. DEPARTMENT OF ECONOMIC AFFAIRS
28. DEPARTMENT OF REVENUE
29. DEPARTMENT OF YOUTH AFFAIRS
30. MINISTRY OF ENVIRONMENT & FORESTS
31. DEPARTMENT OF HEAVY INDUSTRY
32. MINISTRY OF TOURISM
33. MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
34. MINISTRY OF SHIPPING
35. MINISTRY OF CORPORATE AFFAIRS
36. PLANNING COMMISSION
37. DEPARTMENT OF ADMINISTRATIVE REFORMS & PG

No. 1/44/2009-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi,  
Dated the 7<sup>th</sup> October, 2013

**OFFICE MEMORANDUM**

**Subject: - Extending the facility of e-IPO for payment of RTI fee in Indian Missions by 'Indian citizens abroad'.**

A service called e-IPO (Electronic Indian Postal Order) was launched w.e.f. 22.03.2013 to facilitate Indian citizens abroad across the globe to purchase an e-IPO by paying the fee online to access the information under the RTI Act, 2005 from the Central Public Authorities.

2. The procedure to obtain e-IPO has already been explained vide this Department's Office Memorandum of even number dated 22.03.2013. The main points of the procedure are as under:

- [a] The user needs to get himself registered at either of the two websites <http://www.epostoffice.gov.in> or [www.indiapost.gov.in](http://www.indiapost.gov.in).
- [b] He has to select the Ministry/Department from whom he desires to seek the information under the RTI Act and the e-IPO so generated, by making payment using Debit or Credit card, can be used to seek information from that Ministry/Department only.
- [c] A printout of the e-IPO is required to be attached with the RTI application. If the RTI application is being filed electronically, e-IPO is required to be attached as an attachment.
- [d] This facility is only for purchasing an Indian Postal Order electronically. All the requirements for filing an RTI application as well as other provisions regarding eligibility, time limit, exemptions etc., as provided in the RTI Act, 2005 will continue to apply.

3. It has been brought to the notice of this Department that Indian citizens living abroad are facing difficulties in payment of fees for accessing information from Indian Missions/Posts abroad as the facility of e-IPO was not available with them.

4. In order to facilitate for obtaining the information under the RTI Act, 2005 by the Indian citizen living abroad from Indian Missions/Posts under Ministry of External Affairs, the facility of e-IPO is extended to 176 Indian Missions/Posts. List is enclosed.

5. This may be brought to the notice of all concerned.

*Manoj Joshi*

(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093688

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission! /Lok Sabha Sectt./ 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: Ms. Sujata Choudhary, General Manager (BP), Deptt. of Posts, Business Development and Marketing Directorate, Dak Bhawan, Sansad Marg, New Delhi for information w.r.t. their letter No. 65-04/2013-BD&MD dated 17.09.2013.

<b>S.no.</b>	<b>Name of the Indian Mission/Post</b>
1	Embassy of India,Kabul, Afghanistan
2	Consulate General of India, Herat, Afghanistan
3	Consulate General of India, Jalalabad, Afghanistan
4	Consulate General of India, Kandahar, Afghanistan
5	Consulate General of India, Mazar-e-Sharif, Afghanistan
6	Embassy of India, Algiers,Algeria
7	Embassy of India, Luanda, Angola
8	Embassy of India, Buenos Aires, Argentina
9	Embassy of India,Yerevan, Armenia
10	High Commission of India, Canberra, Australia
11	Consulate General of India, Melbourne, Australia
12	Consulate General of India, Perth, Australia
13	Consulate General of India, Sydney, Australia
14	Embassy of India,Vienna, Austria
15	Embassy of India, Baku, Azerbaijan
16	Embassy of India,Manama, Bahrain
17	High Commission of India,Dhaka, Bangladesh
18	Assistant High Commission of India, Chittagong, Bangladesh
19	Assistant High Commission of india, Rajshahi, Bangladesh
20	Embassy of India, Minsk, Belarus
21	Embassy of India, Brussels, Belgium
22	Embassy of India,Thimphu, Bhutan
23	Consulate General of India, Phuentsholing, Bhutan
24	High Commission of India,Gaborone, Botswana
25	Embassy of India, Brasilia, Brazil
26	Consulate General of India, Sao Paulo, Brazil
27	High Commission of India,Bandar Seri Begawan, Brunei Darussalam
28	Embassy of India, Sofia,Bulgaria
29	Embassy of India, Pnom Penh,Cambodia
30	High Commission of India, Ottawa, Canada
31	Consulate General of India, Toronto, Canada
32	Consulate General of india, Vancouver, Canada
33	Embassy of India,Santiago, Chile
34	Embassy of India, Beijing, China
35	Consulate General of India, Guangzhou, China
36	Consulate General of India, Hongkong
37	Consulate General of India, Shanghai, China
38	Embassy of India, Bogota, Colombia
39	Embassy of India, Democratic Republic of Congo
40	Embassy of India,Abidjan, Ivory Coast
41	Embassy of India, Zagreb, Croatia
42	Embassy of India, Havana, Cuba
43	High Commission of India, Nicosia, Cyprus
44	Embassy of India, Prague, Czech Republic
45	Embassy of India,Copenhagen, Denmark
46	Embassy of India, Cairo, Egypt
47	Embassy of India,Addis Ababa, Ethiopia

- 48 High Commission of India, Suva, Fiji islands
- 49 Embassy of India, Helsinki, Finland
- 50 Embassy of India, Paris, France
- 51 Permanent Delegation of India to the UNESCO, Paris, France
- 52 Consulate General of India, Saint Denis, Reunion Island
- 53 Embassy of India, Berlin, Germany
- 54 Consulate General of India, Frankfurt, Germany
- 55 Consulate General of India, Hamburg, Germany
- 56 Consulate General of India, Munich, Germany
- 57 High Commission of India, Accra, Ghana
- 58 Embassy of India, Athens, Greece
- 59 Embassy of India, Guatemala City, Guatemala
- 60 High Commission of India, Georgetown, Guyana
- 61 Embassy of India, Budapest, Hungary
- 62 Embassy of India, Reykjavik, Iceland
- 63 Embassy of India, Jakarta, Indonesia
- 64 Consulate General of India, Medan, Indonesia
- 65 Embassy of India, Tehran, Iran
- 66 Consulate General of India, Bandar Abbas, Iran
- 67 Consulate General of India, Zahidan, Iran
- 68 Embassy of India, Baghdad, Iraq
- 69 Embassy of India, Dublin, Ireland
- 70 Embassy of India, Tel Aviv, Israel
- 71 Embassy of India, Rome, Italy
- 72 Consulate General of India, Milan, Italy
- 73 High Commission of India, Kingston, Jamaica
- 74 Embassy of India, Tokyo, Japan
- 75 Consulate General of India, Osaka-Kobe, Japan
- 76 Embassy of India, Amman, Jordan
- 77 Embassy of India, Astana, Kazakhstan
- 78 High Commission of India, Nairobi, Kenya
- 79 Assistant High Commission of India, Mombasa, Kenya
- 80 Embassy of India, Pyongyang, DPR Korea
- 81 Embassy of India, Seoul, Republic of Korea
- 82 Embassy of India, Safat, Kuwait
- 83 Embassy of India, Bishkek, Kyrgyzstan
- 84 Embassy of India, Vientiane, Lao People's Democratic Republic
- 85 Embassy of India, Beirut, Lebanon
- 86 Embassy of India, Tripoli, Libya
- 87 Embassy of India, Antananarivo, Madagascar
- 88 High Commission of India, Kuala Lumpur, Malaysia
- 89 High Commission of India, Male, Republic of Maldives
- 90 Embassy of India, Bamako, Mali
- 91 High Commission of India, Port Louis, Mauritius
- 92 Embassy of India, Mexico
- 93 Embassy of India, Ulaanbaatar, Mongolia
- 94 Embassy of India, Rabat, Morocco
- 95 High Commission of India, Maputo, Mozambique
- 96 Embassy of India, Yangon, Myanmar
- 97 Consulate General of India, Mandalay, Myanmar



- 98 High Commission of India, Windhoek, Namibia
- 99 Embassy of India, Kathmandu, Nepal
- 100 Embassy of India Camp Office, Biratnagar, Nepal
- 101 Consulate General of India, Birgunj, Nepal
- 102 Embassy of India, The Hague, Netherlands
- 103 High Commission of India, Wellington, New Zealand
- 104 Embassy of India, Niamey, Niger
- 105 High Commission of India, Abuja, Nigeria
- 106 Office of the High Commission of India, Lagos, Nigeria
- 107 Embassy of India, Oslo, Norway
- 108 Embassy of India, Muscat, Sultanate of Oman
- 109 High Commission of India, Islamabad, Pakistan
- 110 Representative Office of India, Ramallah City, State of Palestine
- 111 Embassy of India, Panama
- 112 High Commission of India, Port Moresby, Papua New Guinea
- 113 Embassy of India, Lima, Peru
- 114 Embassy of India, Manila, Philippines
- 115 Embassy of India, Lisbon, Portugal
- 116 Embassy of India, Doha, Qatar
- 117 Embassy of India, Bucharest, Romania
- 118 Embassy of India, Moscow, Russian Federation
- 119 Consulate General of India, St. Petersburg, Russian Federation
- 120 Consulate General of India, Vladivostok, Russian Federation
- 121 Embassy of India, Riyadh, Saudi Arabia
- 122 Consulate General of India, Jeddah, Saudi Arabia
- 123 Embassy of India, Dakar, Senegal
- 124 Embassy of India, Belgrade, Republic of Serbia
- 125 High Commission of India, Victoria, Seychelles
- 126 High Commission of India, Singapore
- 127 Embassy of India, Bratislava, Slovak Republic
- 128 Embassy of India, Ljubljana, Slovenia
- 129 High Commission of India, Pretoria, South Africa
- 130 Consulate General of India, Cape Town, South Africa
- 131 Consulate General of India, Durban, South Africa
- 132 Consulate General of India, Johannesburg, South Africa
- 133 Embassy of India, Madrid, Spain
- 134 High Commission of India, Colombo, Sri Lanka
- 135 Assistant High Commission of India, Kandy, Sri Lanka
- 136 Consulate General of India, Hambantota, Sri Lanka
- 137 Consulate General of India, Jaffna, Sri Lanka
- 138 Embassy of India, Khartoum, Sudan
- 139 Consulate General of India, Juba, Sudan
- 140 Embassy of India, Paramaribo, Suriname
- 141 Embassy of India, Stockholm, Sweden
- 142 Embassy of India, Berne, Switzerland
- 143 Consulate General of India, Geneva, Switzerland
- 144 Permanent Mission of India to the UN Offices in Geneva, Switzerland
- 145 Embassy of India, Damascus, Syria
- 146 Embassy of India, Dushanbe, Tajikistan
- 147 High Commission of India, Dar es Salaam, Tanzania

- 148 Consulate General of India, Zanzibar, Tanzania
- 149 Embassy of India, Bangkok, Thailand
- 150 Consulate of India, Chiangmai, Thailand
- 151 High Commission of India, Trinidad & Tobago, West Indies
- 152 Embassy of India, Tunis, Tunisia
- 153 Embassy of India, Istanbul, Turkey
- 154 Consulate General of India, Istanbul, Turkey
- 155 Embassy of India, Ashgabat, Turkmenistan
- 156 High Commission of India, Kampala, Uganda
- 157 Embassy of India, Kyiv, Ukraine
- 158 Embassy of India, Abu Dhabi, UAE
- 159 Consulate General of India, Dubai, UAE
- 160 High Commission of India, London, United Kingdom
- 161 Consulate General of India, Birmingham, United Kingdom
- 162 Consulate General of India, Edinburgh, United Kingdom
- 163 Embassy of India, Washington, USA
- 164 Consulate General of India, Atlanta, USA
- 165 Consulate General of India, Chicago, USA
- 166 Consulate general of India, Houston, USA
- 167 Consulate General of India, New York, USA
- 168 Consulate General of India, San Francisco, USA
- 169 Permanent Mission of India to the UN, New York, USA
- 170 Embassy of India, Tashkent, Uzbekistan
- 171 Embassy of India, Caracas, Venezuela
- 172 Embassy of India, Hanoi, Vietnam
- 173 Consulate General of India, Ho Chi Minh City, Vietnam
- 174 Embassy of India, Sana'a, Yemen
- 175 High Commission of India, Lusaka, Zambia
- 176 Embassy of India, Harare, Zimbabwe

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

North Block, New Delhi-110001  
Dated 10th December, 2013

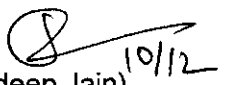
**OFFICE MEMORANDUM**

**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 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 requested 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 is once again requested that the guidelines mentioned in O.M. dated 15.4.2013 be complied with at the earliest and compliance report sent to this Department and Central Information Commission, immediately.

  
(Sandeep Jain)  
Director (IR)  
Tele: 23092755

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Sectt./ 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

डा. एस. के. सरकार

Dr. S. K. Sarkar

सचिव

SECRETARY

Tel : 23094848

Fax : 23094500

E-mail : sarkardk@nic.in



भारत सरकार  
कार्मिक और प्रशिक्षण विभाग  
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
नोर्थ ब्लॉक, नई दिल्ली - 110001

GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES  
AND PENSIONS  
NORTH BLOCK, NEW DELHI - 110001  
Website : <http://persmin.gov.in>

21<sup>st</sup> November, 2013

D.O.No. 1/6/2011-IR

Dear Chief Secretary,

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a suo motu or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of suo motu disclosure under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. In order to further improve the proactive disclosure, Government of India constituted a Task Force on Suo motu disclosure in May 2011, which included representatives of civil society organizations active in the field of Right to Information. After considering the recommendations of the Task Force, the Government of India has already issued guidelines to Central Ministries/Departments for Proactive Disclosure under Section 4 of the RTI Act vide OM No. 1/6/2011-IR dated 15/04/2013.

3. 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 enclosed as Annexure.

4. You are requested to consider issuing the above guidelines and templates for better implementation of the suo motu disclosure at State level.

With regards,

Yours sincerely,

(Dr. S.K. Sarkar)



सूचना का  
अधिकार

## **ANNEXURE**

### **Guidelines for State Governments for facilitating disclosure at district and lower levels of government through suggestive templates for key areas**

1.0 The scheme of Section 4 of RTI Act, 2005 applies uniformly to all the public authorities, irrespective of their level of administration or service delivery (Centre, state, district etc.). It is felt that the extent of detailing required, varies according to the level of administration. If this could be facilitated by the development of suitable templates, it would not only improve the quality of disclosures but would also facilitate more transparency in governance. For example, in the case of Public Distribution System (PDS), disclosures at the level of Fair Price Shops (FPS) should go down to the level of ration card holder, while at the level of district/state, agencies dealing with the disclosures would need to be more broad-based. Keeping this in view, the following four areas have been identified for development of templates:

- (a) Public Distribution System;
- (b) Panchayats;
- (c) MGNREGA; and
- (d) Primary and Secondary Schools.

These four areas have been selected on the ground that they constitute some of the most significant services being provided at the ground level. However, it is recommended that similar templates need to be worked out for other important areas also such as health services, services relating to social benefits, etc.

### **2.0 Templates for Information Disclosure**

The templates for information disclosure at various levels of service delivery in relation to the four areas mentioned above are enclosed at the end of the guidelines. The general principles which should be adopted for disclosure at various levels are given below:

#### **2.1 Use of Information boards/walls**

Section 4(4) of the RTI Act states that information should be disseminated taking into consideration the most effective method of communication in that local

area and the information should be easily accessible. Given the limited reach and accessibility of internet in India, it is recommended that at village / block level, relevant information should be painted on walls and provided on boards in the local language at prominent public places.

## *2.2 Information disclosure through any document/proof of delivery that is available to beneficiaries*

Any document relating to a scheme/program of the Government that is held by a citizen, such as ration card, school books etc., should be used as a mode of disclosure. Information can be printed on such documents in the local language. Stickers can be used to update/change the information, if required.

## *2.3 RTI Proactive Disclosure File*

Panchayat is the first public authority to interface with citizens. In their case, considerable information can be painted on walls. However, all information painted on walls should also be kept ready for perusal in a ~~RTI~~ Proactive Disclosure File. This file should also contain details of all the money received and all the guidelines which are sent to Panchayats by various government authorities for implementation of schemes.

## **3.0 'Good' and 'Innovative' practices adopted by State Governments**

3.1 State governments may adopt innovative practices to disseminate information at local level. Some of these practices are listed below:

- Read out all information about benefits of schemes, budgets expenditure, MGNREGA works, payments etc in the Gram Sabha, Example . ~~Aq.~~ works as a Gram Panchayat Secretary and a PIO in ~~Xq~~state. Even before the RTI Act was in place, **she/(he)** was using folk lyrics as a medium of disseminating information. In **her/(his)** Gram Sabha, **she/(he)** talks about various schemes by connecting them to incidents in the village and sings a folk song highlighting the specific characteristics of a scheme. **Her/(his)** Gram Sabhas are frequented by large numbers of residents on a regular basis.
- In a **particular district** in '**Y**' **state**, during the RTI campaign for pro-active disclosure, it was observed that the use of multimedia vehicle for dissemination of information was widely accepted. The pamphlets and guidelines of various schemes, including forms, were disseminated by "**RTI**

**on Wheels”** - a multimedia vehicle. Films and case studies of the use of information for achieving transparency in governance were screened.

- In ~~ay~~ **state**, it is a regular practice that details of the proceedings of Gram Sabhas are reported in local newspaper.

**Enclosure**

# **Templates for disclosures for Public Distribution System**



**I. Disclosure at Fair Price Shop (FPS) level**

**1. Static Information** to be painted at the FPS in the local language:

**Template 1.1: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bazra/ millet								
other/salt								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 1.2: Information about the FPS**

<b>1. Names of Villages/ Mohallas/ Areas covered by the FPS: -----</b>	
<b>1</b>	<b>Name of license holder</b>
	<b>License number (display copy of license)</b> <b>Date of issue</b>
	<b>Name of shop keeper</b> <b>Phone no</b>
<b>2</b>	<b>Time of shop opening-----</b>
	<b>Time of shop closing-----</b>
	<b>Days the shop remains open in a week</b>
<b>3</b>	<b>List of records held by the FPS- Stock register, sale register, list of cardholders attached to the shop, etc.</b>

### Template 1.3: Information about the grievance redressal mechanism

#### **Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if helpline is available)

e.g. 1800-111-222-333

#### **Name, designation and contact of the grievance redressal authority**

Complaints regarding the functioning of the Public Distribution System can be made to:

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

### Template 1.4: Public audit of records of the FPS

#### **Records of FPS available for public audit**

- All records of the FPS are available for inspection to cardholders on demand
- On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm
- On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office from 2 to 5 pm

## Template 1.5: Information about the RTI Act

### Right to Information Act, 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

- Applications for seeking information may be submitted in writing with the prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).
- RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.
- No fee for citizens below the poverty line
- Information will be provided within 30 days

#### Name, designation and contact details of relevant officials under the RTI Act

Public Information Officer (PIO)	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.
Assistant Public Information				

2. **Dynamic information at the FPS** to be painted / available on blackboards and made available in a file for inspection on demand in local language :

**Template 2.1: Stock Position (prev. month)**

REQUIREMENT, STOCK AND DISTRIBUTION FOR THE MONTH -----												
Ration	APL				BPL				AAY			
	Required	Balance of previous month	Stock provided in this month	Distributed in this month	Required	Balance of previous month	Stock provided in this month	Distributed in this month	Required	Balance of previous month	Stock provided in this month	Distributed in this month
Wheat												
Flour												
Rice												
Edible oil												
Sugar												
Kerosene												
Board verified by ..... On .....												

**Template 2.2: Vigilance Committee FPS-level**

FPS-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ò .  
 The next meeting of the Vigilance Committee will be held on ò  
 Minutes of the committee meetings are available for inspection at ò .

Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	

**Template 2.3: List of ration cardholders \***

<b>Number of Ration Cards (as on.....)</b>		
	<b>Number of cards</b>	<b>Total number of members</b>
<b>APL</b>		
<b>BPL</b>		
<b>AAY</b>		
<b>Annapurna</b>		
<b>Applications pending</b>		
<b>Total</b>		

\*The list of all cards (attached to the shop) must be displayed at the FPS. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

**II. Disclosures at the block/ panchayat\* level office** (\*or other appropriate authority for areas under the sixth schedule of the Constitution and for urban areas) :

**Template 1: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bajra/ millet								
other/salt								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 2: Monthly stock position of each FPS**

REQUIREMENT, STOCK AND DISTRIBUTION FOR THE MONTH -----												
FPS Name & Number: Address:												
Ration	APL				BPL				AAY			
	Required	Balance of prev month	Stock provided in this month	Distributed in this month	Required	Balance of prev month	Stock provided in this month	Distributed in this month	Required	Balance of prev month	Stock provided in this month	Distributed in this month
Wheat												
Flour												
Rice												
Sugar												
Kerosene												

**Template 3: Name, designation & duties of officials**

S. No.	Name	Designation	Duties
1		Food Supplies Officer	-
2		Inspector	-
3			-
4			-
5			-

**Template 4: Grievance redressal mechanism**

**Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if helpline is available)

**e.g. 1800-111-222-333**

**Name, designation and contact of the grievance redress authority**

**Complaints regarding the functioning of the Public Distribution System can be made to:**

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

### Template 5: Status of complaints filed

<b>Status of Complaints filed</b> (to be maintained in a register shown on demand/ print outs pinned on a notice board)					
S. No.	Name of complainant & complaint number	Date of filing complaint	Name & designation of officer who received the complaint	Current status of grievance	Name and number of FPS/KOD against whom complaint was filed

<b>Complaints received in the last six months (Painted)</b>			
S. No.	Name and number of FPS/KOD against whom complaints were filed	Total number of complaints filed	Action taken against FPS/KOD
1			
2			

### Template 6: Public audit of records of the FPS

<b><u>Records of FPS available for audit</u></b>
<ul style="list-style-type: none"><li>• All records of the FPS are available for inspection to cardholders on demand</li><li>• On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm</li><li>• On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office between 2 to 5 pm</li></ul>



### Template 7: Vigilance Committee at Block/ Panchayat- level

## Block/Panchayat-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ....

The next meeting of the Vigilance Committee will be held on ...

Minutes of the committee meetings are available for inspection at ....

### Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	

### Template 8: List of ration cardholders\*

Number of Ration Cards (as on.....)		
	Number of cards	Total number of members
APL		
BPL		
AAY		
Annapurna		
Applications pending		
Total		

\*The list of all cards (attached to the shop) must be displayed securely, in an accessible place at the Block/Panchayat- level office. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

\*The list should be painted in the village

**Template 9: Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal**

<b>Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal</b>				
Type of Card	Eligibility	Documents required	Fee, if any	Time-frame for disposal
APL Card				
BPL Card/ AAY Card				
Modification to card				

**All applications should be given a unique number and people should be able to track the status of their application on the website of the department. Reasons for rejection of any application must be recorded online and should be communicated to the applicant.**

**Template 10: Boards displaying all relevant orders**

- Board should display relevant orders by:
  - Food Department
  - Supreme Court
- Orders pertaining to closure/transfer of FPS, policy changes etc.

### Template 11: Information about the RTI Act

#### Right to Information Act 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

“ Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).

“ RTI application fee is Rs. \_\_\_\_ & photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.

“ No fee for citizens below the poverty line

“ Information will be provided within 30 days

“ If information is not provided within the stipulated time-frame, first appeal can be to the First Appellate Authority in the Department and the Second appeal can be filed to the Information Commission.

“ If information is not provided in time, a penalty of Rs. 250 per day, subject to a maximum on Rs. 25000 can be levied on the PIO by the Information Commission.

“ **Under Section 4 of the Act, the department is required to proactively provide information to citizens. The Section 4 publication is available in the office of the PIO in room no. \_\_\_\_\_ and can be inspected any time during office hours for free.**

Name, designation and contact details of relevant officials under the RTI Act				
Public Information Officer (PIO) Assistant Public Information Officer	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.

### Template 12: Board displaying list of documents available for inspection

All documents of this office can be inspected by citizens and photocopies can be taken at actual cost

Name of document	Officer responsible for maintaining the document	Time for inspection

### III. Disclosures at the District level:

#### Template 1: Information to be kept in a file, available for inspection on demand

- List of card-holders (FPS-wise and Block-wise)
- Monthly stock position of all FPS in the district
- Minutes of meetings/reports of FPS-level, block-level and district-level vigilance committees
- Status of complaints filed

#### Template 2: Board displaying list of documents available for inspection

All documents of this office can be inspected by citizens and photocopies can be taken at actual cost

Name of document	Officer responsible for maintaining the document	Time for inspection

**Template 3: Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards**

Ration	APL		BPL		Antyodaya		Annapurna	
	Price	Quantity	Price	Quantity	Price	Quantity	Price	Quantity
Wheat								
Flour								
Rice								
Edible oil								
Sugar								
Kerosene								
Maize, Bajra/ millet								
<b>Sample of all commodities to be displayed at the FPS</b>								

**Template 4: Grievance redressal mechanisms**

**Complaints Register**

Ration cardholders can register their complaints in the complaints register available in the Fair Price Shop. Cardholders can demand inspection of the complaints register.

**State-level toll free INFORMATION and GRIEVANCE REDRESS HELPLINE** (if  
helpline is available)

**e.g. 1800-111-222-333**

**Name, designation and contact of the grievance redress authority**

**Complaints regarding the functioning of the Public Distribution System can be made to:**

- “ Helpline number:
- “ At the Block level:
- “ At the District level
- “ At the State level
- “ Vigilance committees at all levels
- “ Other relevant authority

**Template 5: Name, designation & duties of officials**

S. No.	Name	Designation	Duties
1		Additional Commissioner	-
2		Assistant Commissioner	-
3		Food Supplies Officer	-
4		Inspector	-
5			-

**Template 6: Public audit of records of the FPS**

**Records of FPS available for audit**

- “ All records of the FPS are available for inspection to cardholders on demand at the FPS
- “ On the last Saturday of every month, all the records of the FPS will be available for audit by the people at the FPS between 2 to 5 pm
- “ On the first Saturday of every alternate month, all records of the FPS will be available for audit by people at the Circle/block/panchayat level office between 2 to 5 pm

## Template 7: Vigilance Committee District- level

### District-level Ration Vigilance Committee

The last meeting of the Vigilance Committee was held on ....

The next meeting of the Vigilance Committee will be held on ...

Minutes of the committee meetings are available for inspection at ....

#### Members of the Ration Vigilance Committee

Name	Designation	Phone number & address
	Chairperson	

## Template 8: List of ration cardholders\*

Number of Ration Cards (as on.....)		
	Number of cards	Total number of members
APL		
BPL		
AAY		
Annapurna		
Applications pending		
Total		

\*The list of all cards (attached to the shop) must be displayed at the Block/Panchayat level office and at the FPS. The print out of the list could be stuck on the wall and a register be maintained which should be available for inspection on demand.

\*The list should be painted in the village

**Template 9: Procedure for applying for new card/other services and time-frame for disposal of applications**

<b>Procedure for applying for a new APL, BPL and AAY ration card/other services and the time-frame for disposal</b>				
Type of Card	Eligibility	Documents required	Fee, if any	Time-frame for disposal
APL Card				
BPL Card/ AAY Card				
Modification to card				

**All application should be given a unique number and people should be able to track the status of their application on the website of the department. Reasons for rejection of any application must be recorded online and should be communicated to the applicant.**

**Template 10: Boards displaying all relevant orders**

- Board should display relevant orders by:
  - Food Department
  - Supreme Court
- Orders pertaining to closure/transfer of FPS, policy changes etc.



## Template 11: Information about the RTI Act

### Right to Information Act 2005

Under the RTI Act, citizens have the right to access information from the Department of Food and Civil Supplies.

"Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).

"RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.

"No fee for citizens below the poverty line

"Information will be provided within 30 days

"If information is not provided within the stipulated time-frame, the first appeal can be to the First Appellate Authority in the Department and the Second appeal can be filed to the Information Commission

"If information is not provided in time, a penalty of Rs. 250 per day, subject to a maximum on Rs. 25000 can be levied on the PIO by the Information Commission.

**"Under Section 4 of the Act, the department is required to proactively provide information to citizens. The Section 4 publication is available in the office of the PIO in room no. \_\_\_\_\_ and can be inspected any time during office hours for free.**

#### Name, designation and contact details of relevant officials under the RTI Act

Public Information Officer (PIO)	Name of officer	Designation of officer	Office address & Room no.	Mobile phone no.
Assistant Public Information				

#### **IV. Disclosures at the State-level through the Department website:**

1. Contents of website related to distribution of grain (to be updated in real-time, as far as possible)

- É List of all FPS/KODs (Block-wise & District-wise)
- É Entitlement, scale of issue and retail issue price of essential commodities for all types of ration cards
- É Types of ration cards
- É Procedure for applying for new card/other services and time-frame for disposal of applications
- É List of card-holders (FPS-wise, Village-wise, Block-wise & District-wise)
- É Actual disbursement made on each card (will require shop-level information to be entered into the MIS)
- É Monthly stock position of all FPS
- É Grievance redressal mechanism for PDS (including details of how and where to lodge a complaint using each of the mechanisms)
- É Minutes of meetings/reports of FPS-level, block-level, district-level and state-level vigilance committees
- É Information about the RTI Act and section 4 disclosures of the department
- É Information about the mechanism for public audit of records of FPS
- É Name, designation & duties of all officials of the Department
- É Status of complaints filed
- É Status of applications submitted
- É Status of RTI applications filed
- É Status of public audit reports
- É All orders issued by the department and any other relevant order which affect the PDS. The department should have a mechanism whereby orders can only be generated through the website and automatically uploaded in the relevant section of the website.
- É Monthly food grains bulletin (must provide information upto block-level)

All this information should be provided in a searchable format. The website should not require any password/login to access/view this information. The MIS of the Department should be completely visible to people accessing the site.

2. Contents of website related to procurement of grain (to be updated in real-time, as far as possible)

- É MSP & Bonus for all commodities
- É Names of farmers (village-wise, block-wise, district-wise)
- É Quantity procured and amount paid to each farmer
- É Norms for fair average quality
- É List of mills (along with capacity of each mill)
- É Quantity of grain given and received from each mill

**Information on procurement should also be displayed at the procurement centre-level and the block-level offices and at all other offices/sites involved in procurement of grain.**

**V. Disclosures at the Central Level (through the website) :**

- All relevant content related to procurement including details of agencies involved
- All relevant content related to transportation including details of agencies involved
- All relevant content related to distribution and linking to state level MIS
- Real-time information on grain movement
- All orders issued by the Ministry, Supreme Court etc. which affect the functioning of the PDS
- Monthly food grains bulletin (with information upto block-level)

**VI. Information from other sources (organisations involved in procurement, transportation etc.):**

All relevant information related to the PDS must be displayed on the website of the relevant organization and should be linked to the Ministry/Food Department website. Example- Railways, which is involved in transportation of food grains, should display real-time information on movement of grains on its website.

# **Templates for disclosures for Panchayat**

## 1. GENERAL INFORMATION

Designation	Name	Phone No
Name and Address of Sarpanch (Village Head)		
Name and Address of Chairman of Social Justice Committee of village		
Name and address of Panchayat Secretary (Talati)		
Revenue Secretary/Patwari		
Assistant secretary		
Name and address of Panchayat's Peon		
Name and address of operator of village water works		
Gramsevak (Dev)		
Gramsevak (Agriculture)		
Any Other		

## 2. Details about PIO and Appellate Authorities under RTI Act, 2005 (Should be displayed on outside wall of the Panchayat)

Heads	Name	Designation	Phone Number	Address
PIO				
First Appellate Authority				
Second Appellate Authority				

**Kindly bring to the notice of PIO if any information disclosed on the walls is misleading or wrong, or not updated. Citizen may also file complaint under section 18 of RTI Act to State Information Commission.**

### RIGHT TO INFORMATION ACT, 2005

- ❖ Citizen has the right to take photocopy, right to inspect the work and records, held by any public authority.
- ❖ Approach Public information Officer for information.
- ❖ Application for information need to be submitted to public information officer with application fee ----- which can be paid by: -----
- ❖ If you need assistance in writing application, PIO is supposed to help you as per provisions of the Act.
- ❖ PIO is supposed to furnish you information within 30 days. If information is not held by Panchayat, PIO may transfer your application to the respective public authority.
- ❖ Any information provided after prescribed time limit will be given free of cost.
- ❖ Citizen need not give application or application fee or wait for 30 days for inspecting any information that is disclosed on the walls.

- ❖ Citizen may also file direct complaint under section 18 of RTI Act, in case she/he does not get information or get misleading information.
- ❖ Citizen can file first appeal before Appellate authority.

### 3. Details of information about village population:

Type			
	Female	Male	total
<b>Total population</b>			
<b>SC</b>			
<b>ST</b>			
<b>Voters</b>			
<b>Type of family</b>			
<b>Total family</b>			
<b>BPL Card holder</b>			
<b>Antyodaya card holders</b>			

### 4. Details about Village Population (to be kept in File)

Type	population		
	Female	Male	Total/persons
Total Population of village (0 to 6 years children)			
Schedule Caste			
Schedule Tribe			
SEBC			
Minorities			
Others			
<b>Total Voters</b>			
Schedule Caste			
Schedule tribe			
SEBC			
Minorities			
Others			

Handicapped			
<b>Farmers (Land holders)</b>			
Schedule caste Farmers (Land holders)			
ST Farmers (Land holders) (Tribal )/Adivasi			
OBC Farmers (Land holders)			
MINORITY Farmers (Land holders)			
<b>Type of Families</b>			
<b>Total families</b>	<b>Numbers</b>		
BPL Families			
APL Families			
Antodyaya Families			
Annapurna Families			
<b>Families having toilets at their house</b>			
<b>Families not having toilets at their house</b>			
<b>Families having electricity connection</b>			
<b>Families not having electricity connection</b>			
<b>Families having agriculture land</b>			
<b>Landless families</b>			
<b>Marginal farmers</b>			
<b>Families having Tap connection in their house</b>			
<b>Families dwelling in Kucha houses</b>			
<b>Families having pucca houses</b>			
<b>Grazing land</b>	Hectares		
<b>Fallow Land</b>	Hectares		
<b>Wasteland</b>	Hectares		
<b>Village Revenue land</b>			
<b>Others</b>			

### 5. Information about animals in village (to be kept in file)

Species/type	Numbers
Cow	
Ox	
Buffaloes	
Goat	
Sheep	
Camel	
hen /poultry	

**6. Panchayat employees' duties (functions) and authorities (information with Patwari/village secretary, Gramsevak, etc.) (to be kept in file)**

Talati(Patwari)	
Panchayat secretary	
Gramsevak	
Peon/s	
Water work operator	
Others	
Do the above mentioned employees stay /reside in the village	

**7. Gram Sabha Details**

- ❖ **Minimum Gram Sabha held during the year:**
- ❖ **Date of last Gramsabha :**
- ❖ **Date of next Gramsabha :**
- ❖ **The officials from block level to be present:**

The proceedings of the Gramsabha and resolutions can be inspected from Panchayat free of any charge. The copy of which can be obtained upon paying photocopy charges.

**8. Details of meeting held at Panchayat**

Sr. No	Type of Meeting	Time span between two meetings	Where	participants	Who will chair?	Agenda
1	Ward Sabha (meeting)		Ward	10% of the voters (ward) required to be present	Ward panch	Work to be taken up at ward level & Schemes
2	Gramsabha		Panchayat level	10% of the voters (from panchayat) required to be present.	Sarpanch	Work to be taken up at Panchayat level & Schemes



3	Panchayat corum or Gram sachivalay		Panchayat	Ward panch and Panchayat employee	Sarpanch	Implementation of schemes, progress complaints etc. status, report,
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**9. Details of other committees at village level:**

Sr. No	Name of the committee	No of members	Meeting held	Date of last meeting	Next meeting
1	Social Justice Committee	5	Every 3 months		
2	Village Water Committee	12	Every 2 months		
3	Village Vigilance committee (MGNREGA)	7	Every 2 months		
4	Village Health committee	5	Every 2 months		
5	Vigilance committee for PDS	5	Every month		
6	School Management Committee				

The minutes of meetings are available in the Panchayat and can be inspected free of any charge. The copy can be obtained by paying photocopy charges.

Name of committee : Social Justice committee

Sr.	Name of Members	Designations	SC/ST/OBC/Others	Female/Male

--	--	--	--	--

**Name of committee : Village Water Committee**

Sr.	Name of Members	Designations	SC/ST/OBC/Others	Female/Male

**Name of committee : Village Health committee**

Sr.	Name of Members	Designations	SC/ST/OBC/Others	Female/Male

**Name of committee: Village ..... committee**

Sr.	Name of Members	Designations	SC/ST/OBC/Others	Female/Male

**Kindly prepare Information for every committee at village level (to be kept in file)**

**10. List of Records available for inspection free of charge at Panchayat Office. Copy can be obtained by paying photocopy charges.**

1. Panchayati Act, Rules
2. MGNREGA Act, Guidelines, rules
3. Right to Information Act and copy of rules
4. Copy of Land revenue act/code
5. Budget
6. Audit Report
7. Annual Administrative report of the panchayat (at least last five years)
8. Proceedings and resolutions of Gramsabha.

9. Proceedings and resolutions of meetings held by various committees like those mentioned above.
10. Report that are presented by government officials in the Gramsabha.
11. Revenue record (Register 6- A, - A etc)
12. Registers regarding MGNREGA
13. Voters list of the village
14. BPL List Card holders list
15. BPL Ration card holders List
16. Antyodaya Family List
17. Cash Book
18. Asset Register
19. Stock Register
20. Patta Register
21. Complaint Register

**11. Details of Panchayat taxes (to be kept in file)**

Type of tax	Responsible person	Number
House tax		
Sanitation tax		
Light tax		
General water tax		
Profession tax		
Land revenue		
Sewerage tax		
Diya Bati tax		
Fee: market fee		
Fee for use of well water for other purposes		
Fee for gutter cleaning		
Village choky fee		
Fee for animal keeping house		

**Attach panchayat tax rules here**

## 12. Panchayat Budget

Year	Revenue of Panchayat (income of panchayat)	Grants Received **	donation received	Total income	Private (Royalty, CSR, other income)	Total expenditure	Balance
2007-08							
2008-09							
2009-10							
2010-11							
2011-12							

**\*\*grants or assistance received from MPLAD/MLA, District Planning Board, development programme, 13th finance commission's grants and others**

## 13. Availability of Water

Type of Water body	Number	Area	Capacity of storing water
River/Dam			
Talab			
Handpump		NA	
Private wells			
Public Wells			

## 14. Schemes run by Central Government Assistance:

Sr. no	Scheme	Who is entitled?	What is the benefit?	Where to apply	Documents required for applying	Time limit of decision	Who will take the decision	Where to file appeal
	Indira Awas							


**15. Schemes run by State Government Assistance:**

<b>Sr. no</b>	<b>Scheme</b>	<b>Who is entitled?</b>	<b>What is the benefit?</b>	<b>Where to apply</b>	<b>Documents required for applying</b>	<b>Time limit of decision</b>	<b>Who will take the decision</b>	<b>Where to file appeal</b>
	<b>Indira Awas</b>							

**Waiting list of Indira Awas Yojana:**

<b>Name</b>	<b>Remark</b>

**16. List of Beneficiaries of various schemes of last five years:**

1. Housing Scheme
2. Pension Scheme (widow, old age, differently able)
3. Allotment of land patta
4. Bankable schemes

**Name of the scheme: .....**

<b>Name of person benefited</b>	<b>Year of receiving benefit</b>

### 17. Details of village development work

	type of work	number of works	Budget	incurred expenditure	status of work complete/ incomplete
1	Roads				
2	well recharge				
3	check dams				
4	Gutter				
5	Sanitation				
6	Anganwadi				
7	School				
8	community centre hall				
9	drinking water pipeline				
10	Others				

#### Details of work done: Road

From --- to - --	Year	Under which scheme	Estimated cost	Total cost	Date of completion of work

#### Details of work: Well recharging


**Details of work: .....**


**19. Details of other functions done by Panchayat, such as:**

- i. Birth Registration
- ii. Death registration
- iii. Valuation of house or shop
- iv. Entries of land entitlements in the register.

**20. Other facilities available in village (to be kept in file)**

Facility	where it is located in village /taluka	Contact	phone number
Milk cooperative society			
Agriculture cooperative society			
Bank			
Post office			
Fire brigade house			
Veterinary clinic			
seeds distribution			
Women groups			
Children groups			
Disaster mitigation and management unit			

**21. Regarding Police station**

<b>Address of police station or outpost</b>		
<b>Name of PI/PSI</b>		<b>Ph:</b>
<b>Name of Police Mitra</b>		<b>Ph:</b>
<b>Social defense officer name and address</b>		<b>Ph:</b>

**Instructions:**

Copy of all GRs, circulars, GOs, OMs, policies, rules, guidelines received by Panchayat, or reports, budgets, list of proposed beneficiaries, submitted by Panchayat should be marked to RTI file (pro-active disclosure file).



# **Templates for disclosures for MGNREGA**

### 1. Job Card Board in Every village (on the wall and file)

(All the job card holders name to be displayed on this board, including those who have not applied for any work or not worked even for a day)

Name of the Job card holder	Job card Number	Year									
		2010-11		2011-12		2012-13		2013-14		2014-15	
		Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount

### 2. Table showing details for development works as under:

S r. No	Name of the work	Code of the work	Sanctioned amount			Amount spent			Work commenced on	Work completed on	Status of work	
			Labour	Material	total	Labour	Material	total			complete	incomplete
1												
2												

### 3. Details of material used:

Sr. No	Name of the work	Cement		Boulders		Pebbles		Sand		Bricks		Water			
		Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate	Qty	Rate

### 4. List of registers to be maintained at Panchayat level for MGNREGA:

List applications for registration	list of sanction works
Registration list	Payment register
List of job card issued to	Unemployment Allowance Register
Job Card Register	Employment Register
estimates of sanctioned work	Allotment of Work

	register
Muster roll received register	Muster roll issue register
Asset Register	Cash Book
Complaint register	

**5. About Social Audit :**

Name of Social audit team members	Date of Last meeting	Date of next meeting

**6. Display board at work place**

Name of work/description					
Sanction cost of work A-MATERIAL COST B-WAGES SKILLED UNSKILLED					
Date of work started					
expected date of work completion					
No of workers present	Physically challenged	Old age	pregnant	other	total

# **Templates for disclosures for government schools**

**I. Information to be displayed at the government schools:**

**Sample Board 1: Details of information for Grievance Redressal**

Nature of Information	Authority for redressal	Name of redressal officer	Office Address and phone number	Time lines For redressal	Public Dealing Day and time	Appellate Authority and process of appeal
Issues Related to Availability/Appointment of Teachers						
Issues related to admission						
Issues related to school infrastructure						
Issues related to corporal punishment, discrimination, child rights						
Issues related to incentive schemes						
Issues related to MDM						
Issues related to Financial allocations to school						

**Sample Board 2: Teacher information:**

**Teachers' Information Month and Year**

**(update every month)**

Sr.	Name of Teacher	Male/ Female	Date of Joining School	Class and Subject of Teacher	Salary	Number of days taught in the month	Number of days and nature of non-instructional work (including in service trainings)
Head Teacher							

Number of Sanctioned Posts \_\_\_\_\_

Number of Vacant Posts \_\_\_\_\_

Number of Teachers on Deputation \_\_\_\_\_

Please make available service conditions and transfer policy of all teachers in hard copy

**Sample Board 3: Student Enrolment Information: (Hard Copy)**

**This information to be compiled and kept available for each academic year**

Categories	Class I		Class II		Class III		Class IV		Class V		Class VI		Class VII		Class VIII	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
<b>Children with Special Needs</b>																
<b>SC</b>																
<b>ST</b>																
<b>OBC</b>																
<b>Minorities</b>																
<b>Others</b>																
<b>Total</b>																

**Sample Board 4: Entitlement and Incentive Information:**

	Nature of Incentive/ Entitlements	Eligibility criteria	Amount to be Disbursed	Number of students eligible for the same	Number of students who have received	When disbursed [specify date]	Dated Receipt given And by whom
1	Textbooks						
2	Uniform						
3	Scholarships						
4	Any other						

**Information to be provided in details in hard copy -name of beneficiary, grade, name of guardian, address and contact details of beneficiary.**

**Sample Board 5: Details of budgetary expenditure: (in Hard Copy)**

**Detail of budget received by the school**

Name of Budget Head	Amount Received	Date of Receipt	Amount Spent	Period of Expenditure	Nature of expenditure
Teaching Learning Material (TLM)					
School Development Grant (SDG)					
Maintenance					
Additional Classrooms					
Major Repairs					
Computer Aided Learning					
Any other					
<b>Total</b>					

**Sample Board 6: Information about School Management Committee (SMC)**

Date of appointment/constitution of committee:

Sl. No.	Name of member	Designation	Male/female	Category	Name and Class of Child whose parent is a member

**Date of Next Meeting of SMC \_\_\_\_\_ (to be updated monthly)**

**Sample Board 7: Details of School Management Committee: (In Hard Copy)**

Sl. No.	Date of Meeting	Number of members present	Name of Person holding meeting register
1			
2			
3			
4			

**Sample Board 8: Copy of the Three Year Long SDP, with annual sub-parts,  
Copy of the DISE Report Card**

**Sample Board 9: Details of Mid Day Meal (MDM):**

<b>Day</b>	<b>Menu to be Served</b>	<b>Menu Served</b>
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		

To be made available in hard copy: copy of order of State Government on MDM as per Supreme Court order, supply register of MDM- norm of supply/delivery to include amount and date of delivery on a monthly basis, actual date of delivery and actual amount received, and payment register/record on MDM-Name of cook, payment received-date and amount of the payment received by the cook.

**Sample Board 10: Details of Inspection of School: (In Hard Copy)**

<b>Sl. No.</b>	<b>Name of Inspector</b>	<b>Date of Visit</b>	<b>Details of officer from who Inspection report can be accessed</b>

**Sample Board 11: Issues Inspected by the School Inspector:**

<b>Sl. No.</b>	<b>Items</b>	<b>Inspectors Comments</b>
1.	<b>State of Infrastructure</b>	
a.	Classrooms	
b.	Toilets	
c.	Drinking Water	
2.	<b>Teachers</b>	
a.	Attendance	
3.	<b>Quality of Teaching</b>	
a.	State of notebooks	
b.	State of learning abilities	
4.	<b>Children Related</b>	
a.	Attendance	
b.	Any other	



**Date of last Inspection:**

\_\_\_\_\_

**Name of officer from whom the Inspection Report can be accessed**

\_\_\_\_\_

**Sample Board 12: Medical Facilities available:**

<b>Medical Facility</b>	<b>Name/ Contact person</b>	<b>Address and Phone Number</b>
Visiting Doctor		
Nurse		
Primary Health Centre		
Ambulance		
Any other		

**Please also mention where the first-aid box is available in the school premise**\_\_\_\_\_

**Sample Board 13: Schemes and Programmes Implemented in School: (Hard Copy)** including under innovation fund, PPP, others and principal components of the same.

**Sample Board 14. Support system for Children with Special Needs: (Hard Copy)**

**Sample Board 15: Public Notice on Right to Information Act:**

**Public Notice on Right to Information Act**

**Right to Information Act 2005**

Under the RTI Act, citizens have the right to access information from the school and the Department of Education.

- Applications for seeking information may be submitted in writing with prescribed fee, to Public Information Officer (PIO) or Assistant Public Information Officer (APIO).
- RTI application fee is Rs. \_\_\_\_ and photocopy charges for providing copies of records is Rs. \_\_\_\_ per page.
- No fee for citizens below the poverty line
- Information will be provided within 30 days
- In case information is incomplete or unsatisfactory, first appeal to be made to the First Appellate Authority

**Name, designation and contact details of relevant officials under the RTI Act**

Official in custody of information in hard copy in school	Name of officer	Designation of officer	Room no. and Public Dealing Time	Mobile phone no.

Public Information Officer (PIO)	Name of officer	Designation of officer	Room no.	Mobile phone no.

First Appellate Authority (FAA)	Name of officer	Designation of officer	Room no.	Mobile phone no.

**II. List of Information that needs to be made available at Zonal /District Office of Education Department**

**Sample Board 1: Roles and Responsibilities:**

Nature of Information	Designation/Authority level responsible	Name of the official	Office Address and Phone No.	Public Dealing Day and time	Name and designation of the Redressal Officer	Timeline for Redressal
Issues related to availability/appointment of teachers						
Issues related to admission						
Issues related to school infrastructure						
Issues related to mental and physical harassment, discrimination and child rights						
Issues related to incentive schemes						
Issues related to Mid Day Meal						
Issues related to Financial allocations to school						
Others						
<b>OVERALL GREVIANCE REDRESSAL STATUS:</b>						
<b>Number of Complaints Received This Month:</b>						
<b>Number of Complaints Redressed:</b>						
<b>Total Number of Complaints Unresolved :</b>						
<b>Phone number of Child Helpline</b>						
<b>Phone number of RTE helpline if available</b>						

1. Organogram
2. Copy of the Citizen's Charter
3. School wise School Development Plans (SDPs)
4. Process document of compilation of School Development Plans (SDPs)
5. Copy of Aggregated SDP
6. District Plan under SSA- Details of the planning process undertaken, including time when it is done at each stage and names of people responsible.
7. District Report Card of DISE
8. All circulars/orders/notice/notifications issued to be displayed for the period of week, summary of orders, backlog/previous orders/circulars/notice/notifications can be obtained at particular time from particular person. The name, designation, and time of availability for public viewing to be clearly displayed on board.

9. Information of all projects running in District- including government schemes, schemes functioning under Innovation Fund and those under PPP mode. Details to be included are- department running scheme, nature of input provided/service provided under partnership, quantum of funds disbursed by government, name of private partners and contribution of private partner (if applicable).

**10. District office to display/make available all information of each block-**

	Block 1	Block 2
Number of Schools Overall		
<b>Elementary Schools</b>		
Primary		
UP		
Elementary (Class 1-8)		
Total Schools having elementary sections		
Total Schools RTE compliant on teacher availability		
Total Schools RTE compliant on infrastructure		
Total Schools RTE compliant on all indicators		
Secondary		
Higher Secondary		
<b>Pre- Primary Education</b>		
ICDS Centres		
Preschools		
Schools with PS section		
<b>Specified Category Schools</b>		
Kendriya Vidyalaya		
Sainik Schools		
Navodaya Schools		
SC Hostels		
Tribal Ashrams		
<b>Residential Schools</b>		
Residential Bridge Course		
Non-Residential Bridge Course		
Seasonal Hostels		
KGBVs		
Model Schools		
Special Schools for Children with disability (will also need to be broken into multi-disability special schools, and for the individual specific disability)		
Schools imparting special training within the existing school		

premises and ongoing processes		
<b>Private Schools</b>		
Aided		
Total seats in the incoming school		
Total seats reserved for weaker /disadvantaged section (as per aid)		
Unaided		

### School wise details in Hard Copy

#### 11. Teachers Information:

		Total	Block 1	Block 2
	Total Number of Teachers			
	(Teachers by regular/para-teachers/contract teachers/guest teachers)			
	Number of Resource Teachers for Children with Disability			
	Number of Subject teachers-Health and Physical Education			
	Number of Subject teachers-Art Education			
	Number of Subject teachers-Work Education			
	Residential Facilities and Special Training Related Information*			
	Residential Bridge Course			
	Non-Residential Bridge Course			
	Seasonal Hostels			
	Month (from-to) when Hostels run			
	Schools imparting special training within the existing school premises and ongoing processes			
	KGBVs			
	Tribal Hostels			
	SC Hostels			
	Mobile School or other means of imparting education to migrant population			

\* Information about villages/schools where these are provided to be made available on request.

#### 12. Names of teachers receiving awards for meritorious work and name of awards

### 13. Financial/ Budget related details

	Account Head	Allocation	Money Received	Date of Receipt	Date of Disbursal	Money Spent

This information will need to be contextualised based on State.  
Both aggregate budgetary information and for individual blocks and panchayats and schools to be provided in Hard Copy

### 14. Child Population Details

			Total	Block 1	Block 2	Block 3	
6-14	Total Population	Total					
		Boys					
		Girls					
		Dalits					
		SC					
		ST					
		Minority					
		CWSN					
	Out of School	Total					
		Boys					
		Girls					
		Dalits					
		SC					
		ST					
		Minority					
CWSN							
	Other groups defined as marginalized group in State Rules						

15. **Teacher training Institutes-** DIET, Private B.Ed College, BRC, etc.- Number, Courses Run, Number of Seats, Free/Paid, Institution has been granted recognition by what body.

16. **Inspection reports:** for both government and private schools to be made available. The data to include, name of inspector, number of schools under him/her, dates of the visits made to the schools allocated to him/her, and details of inspection undertaken. (To be compiled and made available on a monthly basis)

**17. Information of all private schools in the district:**

S . No	Name	Address	Recognition Status	Affiliation to which Board	Name of society/ managing body	Total No of seats (incoming class)	No. seats under 25 %	No. of applications received	No of seats filled	Contact person in the school	Period of admission (starting & closing)	Status of RTE compliance

F. No 1/6/2012 -IR  
Ministry of Personnel, PG and Pensions  
Department of Personnel and Training,

North Block, New Delhi-110001  
Dated 18th July, 2013

**Office Memorandum**

Subject: Guidelines on Awareness Generation and Capacity building components of the Centrally Sponsored Scheme on "Improving Transparency and Accountability in government through effective implementation of Right to Information Act" for the year 2013-2014 to 2015-2016

**1.0 Introduction**

The Right to Information Act was enacted in 2005 to further the objectives of making the governance more transparent and accountable. In the last 7 years, an elaborate institutional mechanism, including setting up of Information Commissions, designation of large number of officers as CPIOs/ SPIOs and Appellate Authorities and laying down of detailed guidelines and instructions for dealing with RTI requests, has been set up, in line with the mandate of the Act, to ensure that the right of information is exercised freely and with ease.

To further strengthen the RTI regime, a centrally sponsored scheme was launched in 2008 with the primary objective of creating awareness and for training of officers, both in central and state governments. This scheme was sanctioned for 2 years. A new scheme titled 'Improving transparency and accountability in government through effective implementation of Right to Information Act' was approved for the remaining two years of the 11<sup>th</sup> Plan period (2010-11 and 2011-12). Guidelines for sanction and release of funds to SICs and ATIs for two components of the scheme namely 'awareness generation and capacity building' were issued vide O.M. No.1/6/2010-IR dated 16.8.2010. Almost all the ATIs availed of the grants given by this Department for the various activities under the components of awareness generation and capacity building.

Keeping in view the feedback received from the ATIs and the evaluation of the scheme conducted by IIPA, the guidelines on the various components of the plan scheme for which financial support would be provided by DOPT to the ATIs and SICs are revised as follows:-



## 2.0 Awareness Generation for RTI:

Both Central and State Governments are obligated to create awareness about the provisions of the Act. Financial assistance under this component will be provided to supplant these efforts of State Governments:

- (i) **RTI Week Celebration:** RTI Week is celebrated every year during 5<sup>th</sup> – 12<sup>th</sup> October. SICs will be provided financial assistance of up to Rs. 3.00 lakh each based on their proposal, for taking up various activities which may include conducting workshops, seminars, press-meets, competition in colleges on RTI related themes, etc. Although expensive publicity through print/electronic media will not be supported, funds may be used for displaying hoarding, etc, for publicizing the RTI Act.
- (ii) **Innovative Awareness Generation Programmes:** ATIs will be provided up to Rs 4.00 lakh each, based on their proposals, for innovative awareness generation activities which may include nukkad nataks, use of local folk troupes, development of publicity material in local languages, distance learning programmes, online certificate courses in regional languages, etc. for awareness generation regarding RTI.
- (iii) **Organization of Workshops / Seminars:** ATIs will be provided a sum of Rs 1.00 lakh per workshop / seminar organized on RTI related themes such as best practices and success stories on RTI, suo motu disclosure, etc on the basis of a proposal. The workshop may include Public Authorities of State/Centre, media persons, Civil Society Organisations , etc.
- (iv) **Publication of guidebooks:** ATIs will be provided funds for getting guidebooks published in regional languages.
- (v) **Help Desk in ATIs:** ATIs may explore the possibility of setting up help desk for answering queries of the general public regarding RTI Act in the regional language. Funds would be granted to ATIs based on their respective proposal. Such help desks could be set up in collaboration with NGOs working in the field of RTI.

## 3.0 Support for Capacity Building -Training of SPIOs/CPIOs and First Appellate Authorities (FAA).

State ATIs will be supported for undertaking training of SPIOs/CPIOs and AAs in a cascade model. In the first instance, ATIs will train District Resource Persons (DRPs) who will in turn train SPIOs/CPIOs and AAs in the districts.

- (a) **Training of DRPs:** This training will be organized at the ATIs. It is planned that 3 DRPs per district will be trained in a year. Financial

assistance will be provided for these trainings up to Rs 1000 per participant per day for a 2-3 day residential course. Selection of DRPs will be made by ATIs.

- (b) **Training of CPIOs/SPIOs, AAs and staff of State /Central Govt Offices:** These training programmes will be conducted at the district headquarters by the DRPs under the overall supervision of the ATIs. Each course will be non-residential and will be of 2 day duration. Financial assistance up to Rs 750/- per participant per day will be provided to ATIs based on a detailed proposal. This will cover all the incidental expenses involved in the training such as on refreshments for the participants, honorarium to DRPs, hiring of audio visual equipment and other contingencies. The training programmes must also include a segment on record management.
- (c) ATIs may avail an additional assistance of up to Rs. 3.0 lakhs for preparation of training material and for meeting administrative contingencies based on their proposal and the training load.

**4.0 Simplification of processes for filing of RTI –** The facility of filing RTI applications and appeals online through RTI online web portal has been launched and is being implemented in all the Ministries/Departments of Govt of India situated in New Delhi. The same facility can be extended to the State Govt offices by sharing with them the software developed by NIC(Headquarters), New Delhi. The ATIs may play the role of catalyst in the implementation of the facility in the Public Authorities located in the state. Proposals in this regard are invited from ATIs and funds would be granted on the basis of such proposal.

**5.0 Improved record management /Suo motu disclosure–** In order to attend to RTI requests promptly, it is necessary to index and store records properly. Similarly, suo motu disclosure would help in disseminating as much information as possible to the public which would obviate the need to seek information through RTI. GOI has issued guidelines on suo motu disclosure under Section 4 of RTI Act, 2005 to be followed by the Ministries/Departments of GOI. It would be desirable that such guidelines are adopted by the State Governments as well. DOPT would grant funds under this scheme as follows:-

- i. If any State Government is willing to implement these guidelines in their respective Public Authorities, ATIs can do the necessary handholding of the PAs. Proposals are invited from ATIs in this regard and financial assistance required for such handholding shall be provided to the ATIs based on their proposals.
- ii. ATIs can also conduct audit of suo motu disclosure of Public Authorities in their respective states either themselves or through an NGO/agency. Funds would be granted to ATIs to conduct such audit based on their proposals.

**6.0 Institutional mechanism for collaborative working with CSOs and Media:**  
DOPT would provide funds upto Rs.5 Lakhs(in each case) for field based study/research on RTI. The ATIs may invite proposals for field based study/research on RTI from Civil Society Organisations or individuals. Proposals found suitable may be submitted to DOPT for final selection. Funds would be granted by DOPT only for the selected proposals. Mentoring for the study/research would be provided by the ATIs.

**7.0 Sanction and release of Financial Assistance:**  
SICs and ATIs are required to submit detailed proposals for seeking financial assistance for 2013-14 under the scheme, as per proforma at Annexure 1. The proposal must include detailed cost estimates for various activities and the time-lines for physical achievement. Scheme Monitoring Committee (SMC) will review the proposals and sanction assistance.

Funds will be released to ATIs and SICs directly as per the following:

- (a) Funds will be released only if UCs for funds provided to the SIC (for awareness generation activities) or the ATI (for training/ awareness generation/capacity building), as the case may be, for 2008-09, 2009-10, 2010-11, 2011-2012 and 2012-13 have been received.
- (b) Subject to (a) above financial assistance would be released in one installment immediately upon sanction, and receipt of UCs, receipt of financial and physical progress.
- (c) The UCs for the grants that would be given in the financial year 2013-14 would become due in March 2015. However, further funds in 2014-15

would be released only on receipt of UCs and statement of physical achievement for the financial year 2013-14.

- 8.0 The first meeting of the SMC is scheduled for late August 2013. All complete proposals received in DOPT by 20<sup>th</sup> August, 2013 will be processed and put up before SMC. SICs and ATIs are requested to submit their proposals in the prescribed proforma as soon as possible. In case, you need any information, you may contact Shri Sandeep Jain, Director (IR) at contact details given below.
- 9.0 These guidelines are in supersession of OM No. 1/6/2010-IR dated 16<sup>th</sup> August, 2010.
- 10.0 Proposals may be sent in the prescribed proforma (Annexure) to Shri Sandeep Jain, Director(IR), Room No. 279, Department of Personnel and Training, North Block, Telephone 23092755, email [osdrti-dopt@nic.in](mailto:osdrti-dopt@nic.in)

*Sarita Nair*

(Sarita Nair)  
Under Secretary (IR)  
Tel No 23040401 Fax 23093022  
e-mail- [usir-dopt@nic.in](mailto:usir-dopt@nic.in)

To

1. Secretary ( State Information Commission) (all State Information Commissions as per list attached)
2. Director- General/ Director (State Administrative Training Institute) (all ATIs as list attached)
3. Deputy Secretary(Fin.Pers), Ministry of Home Affairs, North Block, New Delhi

**Application Proforma**

**Centrally Sponsored Scheme on Improving Transparency and Accountability  
in Government through effective Implementation of Right to Information Act**

To be submitted in five copies.

The format given below should be neatly typed on separate sheets giving item-wise information

Application in an incomplete form will not be entertained

<b>A</b>		
<b>1</b>	<b>Component for which assistance sought (Para of guidelines to be mentioned)</b>	
<b>2</b>	<b>Institution- SIC/ATI/CTI</b>	

<b>B. Details of Institution</b>		
<b>1</b>	<b>Name of the Institution</b>	
<b>2</b>	<b>Particulars of the Institution</b>	
<b>i</b>	<b>Complete postal address</b>	
<b>ii</b>	<b>Telephone Nos.</b>	
<b>iii</b>	<b>Fax Nos.</b>	
<b>iv</b>	<b>E-mail Address</b>	
<b>3</b>	<b>Particulars of Nodal Officer</b>	
<b>i</b>	<b>Name</b>	
<b>ii</b>	<b>Designation</b>	
<b>iii</b>	<b>Tel and Fax No. (including mobile no.)</b>	
<b>iv</b>	<b>E- mail id</b>	
<b>4</b>	<b>Bank Details:</b>	
<b>i</b>	<b>Bank Name and Branch</b>	
<b>ii</b>	<b>Name of Account Holder</b>	
<b>iii</b>	<b>Account No.</b>	
<b>iv</b>	<b>IFSC Code</b>	
<b>V</b>	<b>MICR Code</b>	

<b>C. Details of Proposal</b>	
<b>1</b>	<b>Proposed Activities</b>
<b>2</b>	<b>Time Lines</b>
<b>3</b>	<b>Detailed estimates of expenditure activity wise</b>
<b>4</b>	<b>Total amount of grant required</b>

**D. It is certified that:-**

1. All funds released under the Centrally Sponsored Schemes on 'Strengthening, Capacity Building and Awareness Generation for the effective implementation of the RTI Act 'and "Improving Transparency and Accountability in Government through effective implementation of RTI Act" in the previous years have been fully utilized for the purpose for which they were released and Utilization Certificates have been submitted alongwith statement of physical achievement
2. Once the estimates of expenditure are approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the institution without prior approval of the sanctioning authority of the grant.

(Signature) \_\_\_\_\_  
Name of the Officer \_\_\_\_\_  
Designation \_\_\_\_\_

**Note:** Should be signed by DG/Director in case of ATI and by Secretary in the case of SIC

No. 11/2/2013-IR (Pt.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi,  
Dated the 14<sup>th</sup> August, 2013

**OFFICE MEMORANDUM**

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."* The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093668

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/ 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.

Central Information Commission, New Delhi  
File No.CIC/SM/A/2013/000058  
Right to Information Act-2005-Under Section (19)

Date of hearing : 26/06/2013

Date of decision : 26/06/2013

Name of the Appellant : Sh. Manoj Arya,  
(RTI Activists and Social Worker) 67, Sec-  
12, CPWD Flats, R K Puram, New Delhi  
-110022

Name of the Public Authority : Central Public Information Officer,  
Cabinet Secretariat,  
(Vigilance & Complaint Cell), 2nd Floor,  
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

**Chief Information Commissioner : Shri Satyananda Mishra**

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had



refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

6. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**

**Chief Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**

**Deputy Registrar**

F. No 1/22 /2013 - IR  
Ministry of Personnel, PG and Pensions  
Department of Personnel and Training,

North Block, New Delhi-110001  
Dated : 1<sup>st</sup> November, 2013.

Office Memorandum

Subject: Guidelines on Internship for Undergraduates pursuing five year integrated course in Law or graduates pursuing Bachelor's degree in Law under the Centrally sponsored Scheme on "Improving Transparency and Accountability in government through effective implementation of Right to Information Act" for the year 2012-2013

**1.0 Introduction**

The Department of Personnel and Training (DOPT), Ministry of Personnel, Public Grievances and Pensions, Government of India, is the nodal Ministry for the Right to Information Act. It is administering a Plan scheme titled 'Improving Transparency and Accountability in Government through effective Implementation of the Right to Information Act'. The primary goal of the scheme is to contribute towards more accountable and transparent government and it has several components including programmes for awareness generation, training and e-governance initiatives for RTI for achieving the purpose.

Department of Personnel and Training has been conducting Internship Programme for the Ministries and Departments in the Government of India, which is beneficial both to the Departments and the interns. This will help the Ministry/ Department consolidate and document its experience in the implementation of RTI, its successes, constraints in implementation, identify the areas which need more attention, address the gap areas and suggest what more needs to be done to help achieve the objectives of the Act. The interns would be familiarized with the process of seeking information and enabling access to information under the RTI regime.

Under the scheme, DOPT is offering short-term internships to Undergraduates who are in the second year pursuing five year integrated course in Law or graduates in the first year pursuing three year graduation course in Law from a recognised and reputed University to conduct an analysis of RTI Applications in select public authorities.

**2.0 Areas of Study and Research Output**

The RTI Internship is being offered to analyze a sample of the RTI applications received in the year 2012-2013 by select public authorities. The analysis of the applications would aim to get an overall picture of the applications received and do an indepth study of the information sought and the response by the CPIO/ Public Authority. Templates of the expected outputs are enclosed. **Template I** covers the preliminary analysis of the Public Authority while **Template II** covers the detailed analysis of the selected

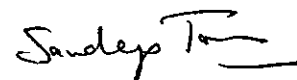
RTI applications. The interns would also study the status of Suo Motu disclosure of the Ministry/Department allotted to them for their internship and would submit a report in this regard, as per the guidelines mentioned at Annexure I.

### 3.0 Guidelines/ Salient Features of the Internship Programme

Duration	<ul style="list-style-type: none"> <li>The internships would be for duration of one month starting 1<sup>st</sup> January, 2014</li> <li>The internship programme is neither a job nor any such assurance for a job in the Department of Personnel of Training or any other Ministry/ Department in Government,</li> </ul>
Remuneration	Travel costs of interns will be reimbursed on actual basis up to Rs. 5000/- on submission of reports.
Logistic Support	Interns will be provided with the necessary logistics support i.e, office space and photocopy facility.
Submission of Paper	The Interns will be required to submit to the Department of Personnel and Training and the selected Ministry/ Department a report on the Areas of study as detailed above.
Placement	The Interns will be placed in selected Ministries/ Departments
Certificate of internship	Certificates will be issued on satisfactory completion of their internships and on submission of their Reports

### 4.0 Methodology

- The Department of Personnel and Training will coordinate with the selected Public Authorities for the internship programme.
- An initiation workshop will be held for the interns at the beginning of the internship. The work of the interns will be monitored through weekly interactions with the interns by the Department of Personnel and Training.
- The interns will be allotted to selected Public Authorities. The interns will report to a nodal officer of the selected Public Authority. The interns will spend 2(**two**) weeks to study and analyze the RTI applications and one week to study the status of Suo Motu Disclosure of the Ministry/Department concerned. The last week would be devoted to writing the report.
- The interns will be required to study the applications received by atleast 5 CPIOs within the public authority which receive the maximum applications. They will be required to select randomly 20 applications( which are not older than 6 months) from each CPIO for study.
- Copies of all RTI applications analysed will be submitted to DOPT alongwith the report. A soft copy of the templates and report on suo motu disclosure has to be submitted to the email id [usir-dopt@nic.in](mailto:usir-dopt@nic.in) by 1<sup>st</sup> February, 2014. Non submission of either will be treated as an incomplete report.



(Sandeep Jain)  
Director (IR)

Tel No. 23092755

e-mail [osdrti-dopt@nic.in](mailto:osdrti-dopt@nic.in)

TEMPLATE I -Public Authority Level Analysis		
Sl. No		
1	No of applications recieved by the PA in 2012-13	
2	No of CPIOs in the PA	
3	Level of CPIOs	Section Officer
		Under Secretary
		Deputy Secretary/ Director
4	No of CPIOs trained	100%
		50%
5	No of CPIOs trained in 2011	
6	RTI Cell	Yes
		No
7	LOGO displayed on stationary	Yes
		No
8	Logo displayed on the point of receiving applications	Yes
		No
9	infrastructure availability	photocopier
		scanner
		CD writer
10	suo motu disclosure	17 points
		14-16 points
		10-13 points
		<10 points
11	Yearly updation of suo motu disclosure	Yes
		No
12	Time Dating of suo motu disclosure	Yes
		No
13	Responsibility of Suo motu disclosure	1 Nodal officer
		Distributed
14	RTI-MIS use	Yes
		No
15	No of penalties imposed on the CPIOs of the Public Authority during 2012-13	
16	No of cases of disciplinary proceedings recommended by CIC during 2012-2013	











40	Last weeding out of records done	In Month, Year																			
		Not done yet																			
41	Time taken to retrieve old records	upto 1 day																			
		2-5 days																			
		More than a week																			
42	Is there a Central record room for all sections	Yes																			
		No																			
			<b>First Appeal</b>																		
43	First Appeal filed	Yes																			
		No																			
		Information not given																			
		Information not given in time																			
		Additional fee sought																			
		Reasons for rejection not conveyed																			
		Insufficient information given																			
		Information given is not correct																			
		Information given but applicant not satisfied																			
		Information given but not received by applicant																			
		Yes																			
45	Was a copy of the RTI application and reply of CPIO annexed	No																			
		Yes																			
46	Did the appeal stick to the information sought in the RTI application	Yes																			
		No																			
47	Personal hearing sought	Yes																			
		No																			
48	Personal hearing given	Yes																			
		No																			
49	FAAs decision	accept the appeal																			
		reject the appeal																			
		Directions to CPIO																			
<b>Experience of FAA</b>																					



**ANNEXURE -I****REPORT ON SUO MOTU DISCLOSURE BY THE PUBLIC AUTHORITY**

The interns should study the status of suo motu disclosure in detail and should also discuss about the same with the concerned officer(s) of the public authority. After detailed analysis and discussion, the interns should submit a report on the status of suo motu disclosure. The report should, inter-alia, cover the following points:

- (i) The quantity of information displayed under suo motu disclosure viz. the number and details of items displayed, with regard to section 4(1)(b) of the RTI Act, 2005 and DoPT's OM No.1/6/2011-IR dated 15.04.2013;
- (ii) The quality of such information displayed (against each item) viz. whether complete information has been displayed, whether the information displayed is easily understandable by any citizens, whether information displayed is easily searchable etc.;
- (iii) Whether the information displayed is regularly updated, with dates of updation;
- (iv) Problems being faced, if any, by the public authority in making suo motu disclosure;
- (v) Additional resources required, if any, by the public authority for better suo motu disclosure;
- (vi) Whether any officer(s)/section(s) has been given the responsibility of ensuring adequate quantity and quality of suo motu disclosure and details thereof;
- (vii) Whether any audit of the suo motu disclosure has been made within the Department or by any independent agency and details thereof.

\*\*\*\*\*

No.1/14/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 31<sup>st</sup> October, 2007

**OFFICE MEMORANDUM**

Subject: Disclosure of information relating to occurrence/event/matter which took place 20 years back.

\*\*\*\*\*

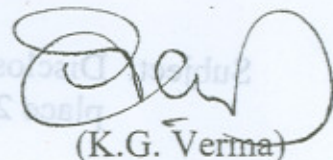
Attention is invited to sub-section (3) of section 8 of the Right to Information Act, 2005 (Act) which provides that 'subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section'. References have been received in this Department seeking clarification whether the above provision of the Act requires all the records to be preserved for more than a period of 20 years. The Second Administrative Reforms Commission, in its First Report titled the 'Right To Information – Master Key to Good Governance', has also expressed an apprehension about interpretation of the above provision with reference to the retention schedule of the files.

2. The RTI Act does not prescribe a record retention schedule. The records are to be retained by a public authority as per the record retention schedule applicable to that public authority. It is, however, important to note that weeding out of a file or any other record does not necessarily result into destruction of all the information contained in that file or record. It is possible that information generated in a file may be available in the form of an OM or a letter or in any other form even after the file has been weeded out. The above referred provision of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section (1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen -

- (i) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;



- (ii) Information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
  - (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section (1) of Section 8 of the Act.
3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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



संख्या-1/14/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 31 अक्टूबर, 2007

कार्यालय ज्ञापन

विषय: 20 वर्ष पहले घटित घटना/वृत्तांत/विषय से संबंधित सूचना का खुलासा।

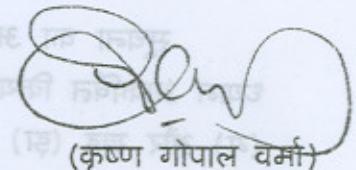
सूचना का अधिकार अधिनियम, 2005 (अधिनियम) की धारा 8 की उप-धारा (3) की ओर ध्यान आकर्षित किया जाता है जिसमें यह प्रावधान किया गया है कि 'उपधारा (1) के खंड (क), खंड (ग) और खंड (झ) के उपबंधों के अधीन रहते हुए किसी ऐसी घटना, वृत्तांत या विषय से संबंधित कोई सूचना, जो उस तारीख से, जिसको धारा 6 के अधीन कोई अनुरोध किया जाता है, बीस वर्ष पूर्व घटित हुई थी या हुआ था, उस धारा के अधीन अनुरोध करने वाले किसी व्यक्ति को उपलब्ध कराई जाएगी।' इस विभाग में ऐसे संदर्भ प्राप्त हुए हैं जिनमें यह स्पष्टीकरण मांगा गया है कि क्या अधिनियम के उपर्युक्त प्रावधान के अनुसार सभी रिकार्डों को 20 वर्ष की अवधि से अधिक समय के लिए सुरक्षित रखा जाना अपेक्षित है। द्वितीय प्रशासनिक सुधार आयोग ने भी 'सूचना का अधिकार - अच्छे शासन की मास्टर कुंजी' शीर्षक वाली अपनी पहली रिपोर्ट में फाइलों की प्रतिधारण अनुसूची के संदर्भ में उपर्युक्त प्रावधान की व्याख्या के बारे में आशंका व्यक्त की है।

2. सूचना का अधिकार अधिनियम रिकार्ड प्रतिधारण अनुसूची निर्धारित नहीं करता। रिकार्डों का प्रतिधारण सम्बद्ध लोक प्राधिकरण में लागू रिकार्ड प्रतिधारण अनुसूची के अनुसार किया जाना अपेक्षित है। स्मरणीय है कि किसी फाइल या रिकार्ड को नष्ट करने से उस फाइल या रिकार्ड में समाहित सभी सूचनाएं नष्ट नहीं हो जाती। यह सम्भव है कि फाइल में सृजित सूचना, फाइल के नष्ट किए जाने के बाद भी कार्यालय ज्ञापन या पत्र अथवा किसी अन्य रूप में उपलब्ध रहे। अधिनियम के उपर्युक्त प्रावधान के अनुसार इस प्रकार उपलब्ध जानकारी को 20 वर्ष के व्यपगत हो जाने के बाद प्रस्तुत करना अपेक्षित है भले ही ऐसी सूचना को धारा 8 की उप-धारा (1) के अंतर्गत प्रकट करने से छूट दी गई हो। आशय यह है कि ऐसी सूचना जिसे अधिनियम की धारा 8 की उपधारा (1) के अंतर्गत प्रकट करने से छूट प्राप्त है, सूचना से संबंधित घटना के घटित होने के 20 वर्ष बाद प्रकट करनी होगी। तथापि निम्नलिखित प्रकार की सूचना, के प्रकटीकरण पर प्रतिबंध बना रहेगा और 20 वर्षों के व्यपगत होने के बाद भी ऐसी सूचना को किसी नागरिक को देने की कोई बाध्यता नहीं होगी:



- (i) सूचना, जिसके प्रकटन से भारत की प्रभुता और अखण्डता, राज्य की सुरक्षा, रणनीति, वैज्ञानिक या आर्थिक हित, विदेश से संबंध पर प्रतिकूल प्रभाव पड़ता हो या किसी अपराध को करने का उद्दीपन होता हो;
- (ii) सूचना, जिसके प्रकटन से संसद या किसी राज्य के विधान-मंडल के विशेषाधिकार का भंग कारित होगा; अथवा
- (iii) अधिनियम की धारा 8 की उप-धारा (1) के खण्ड (i) के परंतुक में दी गई शर्तों के अधीन मंत्रिपरिषद, सचिवों और अन्य अधिकारियों के विचार-विमर्श के अभिलेख सहित मंत्रिमंडलीय कागजात।

3. इस कार्यालय ज्ञापन की विषय-वस्तु को सभी संबंधितों के ध्यान में लाया जाए।



(कृष्ण गोपाल वर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्पलैक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रतिलिपि प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।



No.10/2/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 12<sup>th</sup> June, 2008

**OFFICE MEMORANDUM**

Subject: RTI applications received by a public authority regarding information concerning other public authority/authorities.

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It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no part of which is available with the public authority to which the application is made and remaining or whole of the information concerns another public authority or many other public authorities. A question has arisen as to how to deal with such cases.

2. 'Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the concerned public authority. Section 6(3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of information sought by him/her would be available with the public authority to which he/she has addressed the application, but is actually held by some another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority, which to a person of ordinary prudence, would not appear to be the concern of that public authority, the applicant does not fulfill his responsibility of addressing the application to the 'concerned public authority'.

3. Given hereinunder are some situations which may arise in the matter and action required to be taken by the public authorities in such cases:

- (i) A person makes an application to a public authority for some information which concerns some another public authority. In such a case, the PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO of the public authority is not able to find out as to which public authority is concerned with the information even after making reasonable efforts to find out the concerned public authority, he should inform the applicant that the information is not available with that public authority and that he is not aware of the particulars of the concerned public authority to which the application could be transferred. It would, however, be the responsibility of the PIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned public authority.
- (ii) A person makes an application to a public authority for information, only a part of which is available with that public authority and a part of the information concerns some 'another public authority.' In such a case, the PIO should supply the information available with him and a copy of the application should be sent to that another public authority under intimation to the applicant.
- (iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to 'another public authority' and not 'other public authorities'. Use of singular form in the Act in this regard is important to note.

- (iv) If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

No.11/2/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 10<sup>th</sup> July, 2008

**OFFICE MEMORANDUM**

Subject: Clarification regarding format in which the 'information' should be supplied under the RTI Act, 2005.

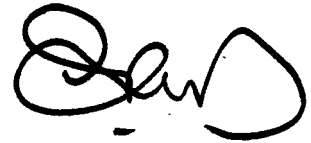
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It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular proforma devised by them on the plea that sub-section (9) of Section 7 provides that an information shall ordinarily be provided in the form in which it is sought. It need be noted that the sub-section simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy and if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to

supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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 and Pensioners Welfare.

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

No. 1/3/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training  
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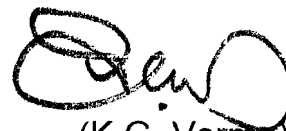
New Delhi, Dated the 25<sup>th</sup> April, 2008

**OFFICE MEMORANDUM**

Subject : Guidelines for the Officers designated as first appellate authority under the RTI Act, 2005.  
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The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority is responsible to supply correct and complete information to an information seeker under the Right to Information Act, 2005 within the specified time. It is possible that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. While the first appeal lies within the public authority itself, the second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The First Appellate Authority is, however, required to dispose off the appeals received by him in the light of the provisions of the Act and keeping in view the principles of natural justice. A Guide has been prepared for the First Appellate Authorities, a copy of which is enclosed as Annexure. It is expected that it would help them perform their duties effectively.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158

To

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 / Planning Commission
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
  4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
  5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the First Appellate Authorities under the States. The State Governments may like to issue similar guidelines for their First Appellate Authorities.

## **Guide for the First Appellate Authorities**

It is the responsibility of the Central Public Information Officer (CPIO) of a public authority to supply correct and complete information within the specified time to any person seeking information under the RTI Act, 2005. There are possibilities that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. The first appeal lies within the public authority itself which is made to an officer designated as the First Appellate Authority by the concerned public authority. The First Appellate Authority happens to be an officer senior in rank to the CPIO. The second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The Guidelines contained in this document are meant for the First Appellate Authorities.

2. In order to perform his/her duties effectively, the Appellate Authority should study the Act carefully and understand its provisions correctly. This document explains some of the important aspects of the Act which a First Appellate Authority should, in particular, be conversant with.

### **What is Information**

3. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.



## **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

10. Sub-section (1) of section 8 and section 9 of the Act enumerate the categories of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or

economic interest of the State, relation with foreign state or lead to incitement of an offence;

- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Right to Information Vis-a-Vis Other Acts**

12. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Fee for Seeking Information**

13. An applicant, along with his application, is required to pay a sum of Rs.10/- as application fee in cash or by way of a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority. The applicant may also have to pay additional fee, as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);

(e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and

(f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

14. If the applicant belongs to 'below poverty line (BPL)' category, he/she is not required to pay any fee. However, he/she should submit a proof in support of his/her claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

15. It may be noted that where the CPIO decides that the information shall be provided on payment of fee in addition to the application fee, the CPIO is required, inter-alia, to inform the applicant:

(i) the details of further fees required to be paid;

(ii) the calculations made to arrive at the amount of fees asked for;

### **Contents and Format of Application**

16. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

### **Transfer of Application**

17. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that

public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

18. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

19. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

20. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

21. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

### **Supply of Part Information by Severance**

22. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

23. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

24. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CAPIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission, as the case may be. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

25. In case of an application transferred from one public authority to another public authority reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

26. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

27. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course	(a) Within 30 days of the receipt of the application by the concerned public

	(b) In case the information concerns the life or liberty of a person.	authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 32 to 36 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

28. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **First Appeal**

29. The information sought by an applicant should either be supplied to him or his application should be rejected within the time prescribed by the Act. If additional fee need be charged from the applicant, communication in this regard should be sent to him within the time limit prescribed for sending information. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified



time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the CPIO regarding supply of information or the quantum of fee decided by the CPIO.

**Appeal in relation to Third Party Information**

30. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

31. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

32. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

33. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information

should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

34. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

35. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

36. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

#### **Time Limit for Filing of First Appeal**

37. The first appeal may be made within 30 days from the date of expiry of the prescribed period or from the receipt of communication from the CPIO. If the First Appellate Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal, the appeal may be admitted after 30 days also.

#### **Disposal of Appeal**

38. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the

order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

### **Time Limit for Disposal of Appeal**

39. The appeal should be disposed off within 30 days of receipt of the appeal. In exception cases, the Appellate Authority may take 45 days for its disposal. However, in cases where disposal of appeal takes more than 30 days, the Appellate Authority should record in writing the reasons for such delay.

40. If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

41. If, in any case, the CPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

**No. 21011/1/2005-Estt (A) (Pt-II)**  
**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel and Training)**

North Block, New Delhi, 14<sup>th</sup> May, 2009

**OFFICE MEMORANDUM**


Subject:- Maintenance and preparation of Annual Performance Appraisal Reports-communication of all entries for fairness and transparency in public administration.

The undersigned is directed to invite the attention of the Ministries/Departments to the existing provisions in regard to preparation and maintenance of Annual Confidential Reports which inter-alia provide that only adverse remarks should be communicated to the officer reported upon for representation, if any. The Supreme Court has held in their judgement dated 12.5.2008 in the case of Dev Dutt vs Union of India (Civil Appeal No.7631 of 2002) that the object of writing the confidential report and making entries is to give an opportunity to the public servant to improve the performance. The 2<sup>nd</sup> Administrative Reforms Commission in their 10<sup>th</sup> Report has also recommended that the performance appraisal system for all services be made more consultative and transparent on the lines of the PAR of the All India Services.

2. Keeping in view the above position, the matter regarding communication of entries in the ACRs in the case of civil services under the Government of India has been further reviewed and the undersigned is directed to convey the following decisions of the Government:-

- (i) The existing nomenclature of the Annual Confidential Report will be modified as Annual Performance Assessment Report (APAR).
- (ii) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Where Government servant has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.
- (iii) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.
- (iv) The concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

- (v) The new system of communicating the entries in the APAR shall be made applicable prospectively only with effect from the reporting period 2008-09 which is to be initiated after 1<sup>st</sup> April 2009.
- (vi) The competent authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.
- (vii) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.
3. All Ministries/Departments are requested to bring to the notice of all the offices under them for strict implementation of the above instructions.

  
**(C.A. Subramanian)**  
 Director

To

**All Ministries/Departments of Government of India**

Copy to:-

1. Chief Secretaries of All State Governments/U.T.s
2. The President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat.
6. The Lok Sabha Secretariat.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Union Public Service Commission, New Delhi.

Copy also to:-

- (a) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
- (b) Establishment Officer and Secretary, ACC (10 copies).
- (c) All officers and Sections in the Department of Personnel and Training.
- (d) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
- (e) All Staff Members of Departmental Council (JCM).
- (f) All Staff members of the Departmental Council (JCM), Ministry of Personnel, Public Grievances and Pensions.
- (g) NIC (DoP&T) for placing the Office Memorandum on the web-site of DoP&T.
- (h) Hindi Section for Hindi version of the O.M.

No. 4/9/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated the 24<sup>th</sup> June, 2008

OFFICE MEMORANDUM

Subject: Courteous behavior with the persons seeking information under the RTI Act, 2005.

\*\*\*\*\*

The Central Information Commission has brought to the notice of this Department that officers of some of the public authorities do not behave properly with the persons who seek information under the RTI Act. The undersigned is directed to say that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his dignity.

2. Many organizations/training institutions are conducting training programmes on the Right to Information Act. The public authorities should ensure that their PIOs and other concerned officers are exposed to such training programmes. The public authorities may also organize training programmes at their own level. While imparting such training, the officers should be sensitized about the need of courteous behaviour with the information seekers.

3. The Commission has also expressed concern over the fact that many public authorities have not published relevant information under section 4 of the Act. All the public authorities should ensure that they make suo motu disclosure as provided in the Act without any further delay. It is a statutory requirement, which should not be compromised with.

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4. All Ministries/Departments etc. are requested to bring the contents of this OM to the notice of all concerned and ensure compliance thereof.



(K.G. Verma)  
Director

To

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission/ Lok Sabha Sectt./ 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: JS(Training), DOPT

With the request to issue necessary instructions to all the training institutes conducting training programmes on the Right to Information to the effect that the programme should have a component on sensitizing the officers about the need of courteous behaviour with the information seekers.

Copy also to:

Chief Secretaries of all the States/UTs.

No.1/26/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

....  
North Block, New Delhi,  
Dated: the 9<sup>th</sup> January, 2008

To

Chief Secretaries of all the States/UTs

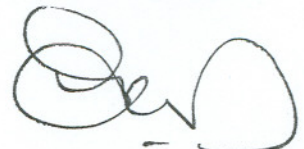
Subject: Involving Non-Governmental Organisations for spreading awareness about the RTI Act, 2005.

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Sir,

I am directed to say that clause (a) of sub-section (1) of Section 26 of the Right to Information Act, 2005 casts a responsibility on the Governments of States to develop and organize educational programmes to advance the understanding of the public about exercise of their right to information. It is a gigantic task which requires involvement of various sections of society. Non-Governmental Organisations are providing various kinds of services to the people and creating awareness amongst them. They come in close contact with the public and may play an important role in disseminating knowledge about the use of the Right to Information Act. You are, therefore, requested to involve the Non-Governmental Organisations working in your State to spread awareness about the Act.

Yours faithfully,



(K.G. Verma)

Director



No.1/32/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

.....  
North Block, New Delhi,  
Dated: the 14<sup>th</sup> November, 2007

**OFFICE MEMORANDUM**

Subject: Creation of a Central Point for receiving applications and designation of appellate authorities under the Right to Information Act, 2005.

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The undersigned is directed to say that the sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. The Second Administrative Reforms Commission in its First Report (June 2006) has observed that where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer, and the applicants would also face problem in identifying the officer senior in rank to the PIO to whom an appeal under sub-section (1) of Section 19 of the Act can be made. (For convenience such an officer is termed as the First Appellate Authority). The Commission has, inter-alia, recommended that all Ministries/ Departments/Agencies/Offices, with more than one PIO, should designate a Nodal Officer with the authority to receive requests for information on behalf of all PIOs. The Commission has also recommended that all the public authorities should designate the First Appellate Authorities.

2. It is, therefore, requested that all public authorities with more than one PIO should create a central point within the organisation where all the RTI applications and the appeals addressed to the First Appellate Authorities may be received. An officer should be made responsible to ensure that all the RTI applications/appeals received at the central point are sent to the concerned Public Information Officers/Appellate Authorities, on the same day. For instance, the RTI applications/appeals may be received in the Receipt and Issue Section/ Central Registry Section of the Ministry/Department /Organsiation/Agency and distributed to the concerned PIOs/Appellate Authorities. The R&I/CR Section may maintain a separate register for the purpose. The Officer-in-Charge/Branch Officer of the Section may ensure that the applications/appeals received are distributed the same day.

3. 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 to the person making the request the particulars of the Appellate Authority. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected. 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 cases the applicant may like to exercise his right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. It has, therefore, been decided that all the public authorities shall designate the First Appellate Authorities and publish their particulars alongwith the particulars of the PIOs.

4. All the Ministries/Departments etc. are requested to issue instructions to all concerned to take action accordingly.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

संख्या-1/32/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

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नॉर्थ ब्लॉक, नई दिल्ली,  
दिनांक: 14 नवम्बर, 2007

कार्यालय ज्ञापन

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत आवेदन प्राप्त करने के लिए एक केन्द्रीय काउंटर का गठन और अपीलीय प्राधिकारियों को पदनामित करना।


अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना प्रदान करने के लिए, अधिनियम की धारा 5 की उप-धारा (1) में सभी लोक प्राधिकारियों के लिए यह अधिदेश है कि वे यथा आवश्यक लोक सूचना अधिकारी पद-नामित करें। द्वितीय प्रशासनिक सुधार आयोग ने अपनी प्रथम रिपोर्ट (जून, 2006) में यह टिप्पणी की है कि यदि कोई लोक प्राधिकारी एक से अधिक लोक सूचना अधिकारी पदनामित करता है तो आवेदक को समुचित लोक सूचना अधिकारी का पता लगाने में कठिनाई हो सकती है। आवेदक को लोक सूचना अधिकारी के रैंक से वरिष्ठ अधिकारी जिसको अधिनियम की धारा 19 की उप-धारा (1) के अंतर्गत अपील की जा सकती है, की पहचान करने में भी समस्या हो सकती है (सुविधा के लिए ऐसे अधिकारी को प्रथम अपीलीय प्राधिकारी कहा जाता है)। आयोग ने अन्य बातों के साथ-साथ यह सिफारिश की है कि ऐसे सभी मंत्रालय/विभाग/अभिकरण/कार्यालय जिनके एक से अधिक लोक सूचना अधिकारी हैं, एक ऐसा नाडल अधिकारी पदनामित करे जिसे सभी लोक सूचना अधिकारियों की ओर से सूचना के लिए अनुरोध प्राप्त करने का प्राधिकार हो। आयोग ने यह भी सिफारिश की है सभी लोक प्राधिकारी प्रथम अपील प्राधिकारी भी पदनामित करें।

2. अनुरोध है कि ऐसे सभी लोक प्राधिकारी जिनके एक से अधिक लोक सूचना अधिकारी हैं, संगठन के भीतर एक ऐसे केन्द्रीय काउंटर का गठन करें जहां अधिनियम के अंतर्गत सभी आवेदन तथा प्रथम अपीलीय प्राधिकारी को सम्बोधित अपीलें प्राप्त की जा सकें। एक अधिकारी को यह सुनिश्चित करने की जिम्मेवारी दी जाए कि वह केन्द्रीय काउंटर पर प्राप्त सूचना का अधिकार अधिनियम संबंधी आवेदन/अपीले, संबंधित लोक सूचना अधिकारियों/अपीलीय अधिकारियों को उसी दिन भिजवा देने की व्यवस्था करे। उदाहरण के तौर पर सूचना का अधिकार संबंधी आवेदन/अपीलें, मंत्रालय/विभाग/संगठन/अभिकरण के प्राप्ति और जारी अनुभाग/केन्द्रीय रजिस्ट्री अनुभाग में प्राप्त करके संबंधित लोक सूचना अधिकारी/अपीलीय प्राधिकारी को वितरित की जा सकती हैं। प्राप्ति और जारी

अनुभाग/केन्द्रीय रजिस्ट्री अनुभाग इस आशय के लिए एक अलग रजिस्टर का रख-रखाव करे। अनुभाग का प्रभारी अधिकारी/ब्रान्च अधिकारी यह सुनिश्चित करे कि प्राप्त आवेदन (अपीले) उसी दिन वितरित कर दी जाती है।

3. सूचना का अधिकार अधिनियम की धारा 7 की उप-धारा (8) में यह प्रावधान है कि यदि सूचना के अनुरोध को अस्वीकार किया जाता है तो लोक सूचना अधिकारी अन्य बातों के साथ-साथ अनुरोधकर्ता को, अपीलीय प्राधिकारी का ब्यौरा भी लिखेगा। इस प्रकार जब सूचना के अनुरोध को अस्वीकार किया जाता है तो आवेदक को, अपीलीय प्राधिकारी के बारे में जानकारी दी जाती है। ऐसे मामले हो सकते हैं जब लोक सूचना अधिकारी आवेदन को तो अस्वीकार नहीं करता, लेकिन आवेदक को अधिनियम में विनिर्दिष्ट समय के भीतर निर्णय से अवगत नहीं करता। ऐसा भी हो सकता है कि आवेदक लोक सूचना अधिकारी के निर्णय से व्यथित हो। ऐसे मामले में आवेदक अपील करने के अधिकार का प्रयोग करना चाह सकता है। लेकिन अपीलीय प्राधिकारी के ब्यौरे के अभाव में, आवेदक को अपील करने में कठिनाई हो सकती है। अतः यह निर्णय लिया गया है कि सभी लोक प्राधिकारी प्रथम अपीलीय प्राधिकारियों को पदनामित करें और लोक सूचना अधिकारियों के ब्यौरे के साथ उनके ब्यौरे भी प्रकाशित करें।

4. सभी मंत्रालयों/विभागों इत्यादि से अनुरोध है कि वे, तदनुसार कार्रवाई करने के लिए सभी संबंधितों को अनुदेश जारी करें।

  
(कृष्ण गोपाल वर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव ।

No.1/14/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 28<sup>th</sup> July, 2008

**OFFICE MEMORANDUM**

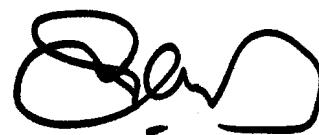
Subject: Clarification regarding Sub-sections (4) and (5) of Section 5 of the Right to Information Act, 2005.

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Sub-sections (4) and (5) of section 5 of the Right to Information Act, 2005 provide that a Public Information Officer (PIO) may seek the assistance of any other officer for proper discharge of his/her duties. The officer, whose assistance is so sought, shall render all assistance to the PIO and shall be treated as a PIO for the purpose of contravention of the provisions of the Act. It has been brought to the notice of this Department that some PIOs, using the above provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed PIO. Thus, they use the above referred provision to designate other officers as PIO.

2. According to the Act, it is the responsibility of the officer who is designated as the PIO by the public authority to provide information to the applicant or reject the application for any reasons specified in sections 8 and 9 of the Act. The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant. The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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 and Pensioners Welfare.

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

No.1/69/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

\*\*\*\*\*

North Block, New Delhi  
Dated: the 27<sup>th</sup> February, 2008

**OFFICE MEMORANDUM**

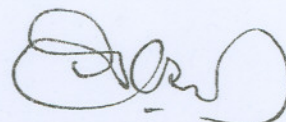
**Subject:** Guidelines for the officers designated as Central Public Information Officer under the Right to Information Act, 2005.

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The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority plays an important role in effective implementation of the provisions of the Right to Information Act, 2005. At the same time, he is liable for penalty in case of default in performance of duties assigned to him by the Act. It is, therefore, crucial for a CPIO to study the Act carefully and understand its provisions correctly. This Department has prepared a 'Guide' which clarifies some of the important aspects of the Act relating to the functions of the CPIOs. The Guide so prepared is enclosed as Annexure.

2. The Act provides that a CPIO may seek the assistance of any other officer for proper discharge of his/her duties. Such other officer would be deemed to be a CPIO and would be liable for contraventions of the provisions of the Act the same way as the CPIO himself. Since the CPIO may seek the assistance of any officer, it is desirable for all the officers to acquire necessary knowledge about the provisions of the Act, which a CPIO should have. The Guide would help them in this task.

3. All Ministries/Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158

To

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 / Planning Commission

3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
- 4.. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the State Public Information Officers (SPIOs). The State Governments may like to issue similar guidelines for the SPIOs.



**A GUIDE FOR THE CENTRAL PUBLIC INFORMATION OFFICERS**

The Right to Information Act, 2005 empowers citizens to get information from any 'public authority'. The Central Public Information Officer (CPIO) of a public authority plays a pivotal role in making the right of a citizen to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a CPIO to study the Act carefully and understand its provisions correctly. Following aspects should particularly be kept in view while dealing with the applications under the Act.

**What is Information**

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

**Right to Information under the Act**

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

4. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

5. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee



or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

8. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

9. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

10. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or



- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Right to Information Vis-a-Vis other Acts**

11. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Rendering Assistance to Applicants**

12. The Central Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is made. If a person seeking information is not able to make such request in writing, the Central Public Information Officer should render reasonable assistance to him to reduce the same in writing.

13. Where access to a record is required to be provided to a sensorily disabled person, the Central Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

### **Assistance Available to CPIO**

14. The Central Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the CPIO, would render all assistance to him. Such an officer shall be deemed to be a Central Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Central Public Information Officer. It would be advisable for the CPIO to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.



### **Suo Motu Disclosure**

15. The Act makes it obligatory for every public authority to make *suo-motu* disclosure in respect of the particulars of its organization, functions, duties and other matters, as provided in section 4 of the Act. The information so published, according to sub-section (4) of section 4, should be easily accessible with the CPIO in electronic format. The CPIO should, therefore, make concerned efforts to ensure that the requirements of the Section 4 are met and maximum information in respect of the public authority is made available on the internet. It would help him in two ways. First, the number of applications under the Act would be reduced and secondly, it would facilitate his work of providing information inasmuch as most of the information would be available to him at one place.

### **Fee for Seeking Information**

16. An applicant, along with his application, is required to send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. He can also make payment of fee by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

17. Additional fee has been prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

18. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.



### Contents and Format of Application

19. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

### Invalid Applications

20. Soon after receiving the application, the CPIO should check whether the applicant has made the payment of application fee of Rs. 10 or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as a valid application under the RTI Act and may be ignored.

### Transfer of Application

21. If the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the CPIO should check whether the subject matter of the application or a part thereof concerns some other public authority. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

22. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

23. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.



24. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

25. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

26. Where a request for information is rejected, the Central Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

27. If additional fee is required to be paid by the applicant as provided in the Right to Information (Regulation of Fee and Cost) Rules, 2005, the Central Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

### **Supply of Part Information by Severance**

28. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is



being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

29. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

30. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CPAIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

31. In case of an application transferred from one public authority to another public authority, as referred to in para 21, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

32. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

33. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table



shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 37 to 41 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

34. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.



### Third Party Information

35. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

36. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

37. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third part has treated the information as confidential.

38. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

39. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

40. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of



the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

41. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

### **Appeals and Complaints**

42. If an applicant is not supplied information within the prescribed time limit, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal can be made within a period of 30 days from the date on which time limit for supply of information expires or the decision of the CPIO is received. The appellate authority of the public authority is expected to dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellate is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

43. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

### **Imposition of Penalty**

44. As pointed out above, an applicant under the Act has a right to appeal to the Central Information Commission and also to make complaint to the Commission. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time



specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Central Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Central Public Information Officer.

#### **Disciplinary Action Against CPIO**

45. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend for disciplinary action against the Central Public Information Officer.

#### **Protection for Work Done in Good Faith**

46. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A CPIO should, however, note that it would be his responsibility to prove that his action was in good faith.

#### **Annual Report of the CIC**

47. The Central Information Commission prepares a report on the implementation of the provisions of the RTI Act every year, which is laid before each House of the Parliament. This report, *inter-alia*, has to include information about the number of requests made to each public authority, the number of decisions where the applicants were not entitled to access to documents requested for, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked, the amount of charges collected by each public authority under the Act. Each Ministry/Department is required to collect such information from all the public authorities under its jurisdiction and send the same to the Commission. The CPIOs should maintain the requisite information in this regard

so that it may be supplied to their administrative Ministry/Department soon after the end of the year, which in turn may supply to the Commission.

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No. 1/4/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training

\*\*\*\*\*

New Delhi, Dated: the 25<sup>th</sup> April , 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the public authorities under the Right to Information Act, 2005.

\*\*\*\*\*

The undersigned is directed to say that the 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 them so as to facilitate the reach of people to information held by them. This Department has prepared a 'Guide' for the public authorities which would help them in discharge of their functions under the Act effectively. A copy of the Guide so prepared is enclosed as Annexure.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all public authorities under them and to ensure that they comply with the requirements of the Act.



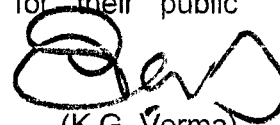
(K.G. Verma)  
Director  
Tel: 23092158

To

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 / Planning Commission
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the public authorities under the State Governments. The State Governments may like to issue similar guidelines for their public authorities.



(K.G. Verma)  
Director

## Guide for the Public Authorities

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Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. As defined in the Act, a "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. Bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

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.

### What is Information

3. Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to



any private body which can be accessed by the public authority under any law for the time being in force.

### **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information

may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

10. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the



following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Timely Supply of Information**

12. The Act requires that except in some special circumstances, decision on an application for information should be given within 30 days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request. If the decision on the request for information is not given within the prescribed period, it is deemed that the request has been refused. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Right to Information Vis-a-Vis other Acts**

13. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any

other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Maintenance and Computerisation of Records**

14. 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.

15. The Public authorities should computerize all its records which are appropriate to be computerized. Records so computerised should be connected through a network on different systems so that access to such records is facilitated.

### **Suo Motu Disclosure**

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

17. 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;

18. 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.

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.

#### **Dissemination of Information**

20. 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**

21. 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**

22. 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 CPIOs etc.**

23. Every public authority is required to designate Public Information Officers in all the administrative units or offices under it. The public authorities should also designate the First Appellate Authorities and publish the details thereof alongwith the details of the Public Information Officers. Every public authority is also required to designate Assistant Public Information Officers at each sub-divisional level. The Government 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.

### **Acceptance of Fee**

24. According to the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended by the Right to Information (Regulation of Fee and Cost) Rules, 2006, an applicant can make payment of fee in cash or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, an officer may be designated as such for the purpose of receiving fee under the RTI Act or rules made thereunder.

### **Transfer of Applications**

25. The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application. The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

### **Compliance with the Orders of the CIC**

26. While deciding an appeal, the Central Information Commission, may require the concerned public authority to take such steps as may be necessary to secure compliance with the provisions of the Act. In this regard the Commission may pass an order to provide information to an applicant in a particular form; appoint a Public Information Officer; publish certain information or categories of information; make necessary changes to its practices in relation to the maintenance, management and destruction of records; enhance the provision of training for its officials; provide an annual report as prepared in compliance with clause (b) of subsection (1) of section 4 of the Act.

27. The Commission has power to pass orders requiring a public authority to compensate the complainant for any loss or other detriment suffered by him. It also has power to impose penalty on the Public Information Officer as provided in the Act. It may be noted that penalty is imposed on the Public Information Officer which is to be paid by him. However, the compensation, ordered by the Commission to be paid to an applicant would have to be paid by the public authority,

28. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are

implemented. If any public authority is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

### **Annual Report of the CIC**

29. The Central Information Commission, after the end of each year, is required to prepare a report on the implementation of the provisions of the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the Central Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

30. Every public authority should send necessary material to its administrative Ministry/Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report.

31. If it appears to the Central Information Commission that a practice of a public authority in relation to the exercise of its functions under the

Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

**Development of Programmes etc.**

32. It is expected of each public authority that it would develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities, as to how to exercise the rights contemplated under the Act; and ensure timely and effective dissemination of accurate information about their activities. Training of the Public Information Officers and other officers of a public authority is very important for meeting these expectations and effective implementation of the provisions of the Act. The public authorities should, therefore, arrange for training of their officers designated as Public Information Officer/First Appellate Authority and other officers who are directly or indirectly involved in the implementation of the provisions of the Act.



New Delhi, the 31<sup>st</sup> July, 2007

**OFFICE MEMORANDUM**

Subject: Preparation of Inventory of Public Authorities under RTI Act, 2005.

The Second Administrative Reforms Commission in its First report has inter-alia made the following recommendations:

- (i) At the Government of India level, the Department of Personnel & Training has been identified as the nodal department for implementation of the RTI Act. This nodal department should have a complete list of all Union Ministries/Departments, which function as public authorities.
- (ii) Each Union Ministry/Department should also have an exhaustive list of all public authorities, which come within its purview. The public authorities coming under each Ministry/Department should be classified into (i) constitutional bodies (ii) line agencies (iii) statutory bodies (iv) public sector undertakings (v) bodies created under executive orders (vi) bodies owned, controlled or substantially financed and (vii) NGOs substantially financed by Government. Within each category an up-to date list of all public authorities has to be maintained.
- (iii) Each public authority should have the details of all public authorities subordinate to it at the immediately next level. This should continue till the last level is reached. All these details should be made available on the websites of the respective public authorities, in a hierarchical form.
- (iv) A similar system should also be adopted by the States.

2. The Government has considered the above recommendations and decided to accept the same. A list of all Union Ministries/Departments has already been posted on the RTI Portal ([www.rti.gov.in](http://www.rti.gov.in)). All the Ministries/Departments are requested to prepare an exhaustive list of all the public authorities under them. These authorities may suitably be classified into attached offices, subordinate

offices, autonomous bodies, public sector undertakings, constitutional bodies, statutory bodies etc. The Ministries/Departments may also prepare the list of NGOs which receive grant from them and fall within the definition of 'public authority'. The lists of public authorities so prepared may be uploaded by the concerned Ministries/Departments on the RTI Portal and kept updated.

3. It is also requested that the Ministries/Departments may issue instructions to all the public authorities under them to take action as per the recommendation of the Administrative Reforms Commission contained in clause (iii) of para 1 above.



(K.G. Verma)  
Director

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs – It is requested that necessary action may be taken to implement the above referred recommendations of the Administrative Reforms Commission in their States/UTs.

संख्या-1/12/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 31 जुलाई, 2007

कार्यालय जापन

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत लोक प्राधिकरणों की सूची तैयार करना।

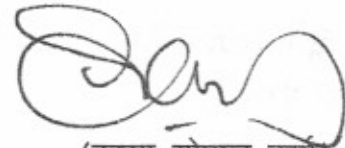
द्वितीय प्रशासनिक सुधार आयोग ने अपनी पहली रिपोर्ट में अन्य बातों के साथ निम्नलिखित सिफारिशों की हैं :-

- (i) भारत सरकार के स्तर पर कार्मिक और प्रशिक्षण विभाग को सूचना का अधिकार अधिनियम के क्रियान्वयन हेतु नोडल विभाग के रूप में मान्यता दी गई है। इस नोडल विभाग के पास उन सभी केन्द्रीय मंत्रालयों/विभागों की पूरी सूची होनी चाहिए जो लोक प्राधिकरणों के रूप में कार्य करते हैं।
- (ii) प्रत्येक केन्द्रीय मंत्रालय/विभाग के पास भी उसके क्षेत्राधिकार में आने वाले सभी लोक प्राधिकरणों की सुविस्तृत सूची होनी चाहिए। प्रत्येक मंत्रालय/विभाग के अंतर्गत आने वाले लोक प्राधिकरणों को इस प्रकार वर्गीकृत किया जा सकता है : (i) संवैधानिक निकाय (ii) लाइन एजेन्सियां (iii) सांविधिक निकाय (iv) सार्वजनिक क्षेत्र के उपक्रम (v) कार्यकारी आदेश के अंतर्गत सृजित निकाय (vi) सरकार के स्वामित्व वाले, सरकार द्वारा नियंत्रित अथवा भरपूर वित्तपोषित निकाय और (vii) सरकार द्वारा भरपूर वित्तपोषित गैर सरकारी संगठन। प्रत्येक श्रेणी के अंदर सभी लोक प्राधिकरणों की अद्यतन सूची रखी जानी है।
- (iii) प्रत्येक लोक प्राधिकरण के पास उसके अधीनस्थ सभी लोक प्राधिकरणों का ब्यौरा होना चाहिए। यह अंतिम स्तर तक जारी रहनी चाहिए। ये सभी ब्यौरे संबंधित लोक प्राधिकरणों की वेबसाइटों पर पदसोपान रूप में उपलब्ध कराए जाने चाहिए।
- (iv) राज्यों द्वारा भी एक ऐसी ही प्रणाली अपनाई जानी चाहिए।

2. सरकार ने उपर्युक्त सिफारिशों पर विचार किया है और इन्हें स्वीकार करने का निर्णय लिया है। सभी केन्द्रीय मंत्रालयों/विभागों की सूची आर.टी.आई. पोर्टल ([www.rti.gov.in](http://www.rti.gov.in)) पर पहले ही डाली जा

2. सरकार ने उपर्युक्त सिफारिशों पर विचार किया है और इन्हें स्वीकार करने का निर्णय लिया है। सभी केन्द्रीय मंत्रालयों/विभागों की सूची आर.टी.आई. पोर्टल ([www.rti.gov.in](http://www.rti.gov.in)) पर पहले ही डाली जा चुकी है। सभी मंत्रालयों/विभागों से उनके अंतर्गत सभी लोक प्राधिकरणों की एक सुविस्तृत सूची तैयार करने का अनुरोध किया जाता है। इन प्राधिकरणों को संबद्ध कार्यालयों, अधीनस्थ कार्यालयों, स्वायत्त निकायों, सार्वजनिक क्षेत्र के उपक्रमों, संवैधानिक निकायों, सांविधिक निकायों इत्यादि में उपयुक्त रूप से वर्गीकृत किया जाए। मंत्रालय/विभाग ऐसे गैर सरकारी संगठनों की भी सूची तैयार करें जिन्हें उनसे अनुदान प्राप्त होता है और जो 'लोक प्राधिकरण' की परिभाषा के भीतर आते हैं। इस प्रकार तैयार की गई लोक प्राधिकरणों की सूचियां संबंधित मंत्रालयों/विभागों द्वारा आर.टी.आई. पोर्टल पर अपलोड की जाएं और अद्यतन रखी जाएं।

3. यह भी अनुरोध किया जाता है कि मंत्रालय/विभाग उपर्युक्त पैरा 1 के खंड (iii) में निहित प्रशासनिक सुधार आयोग की सिफारिश के अनुसार कार्रवाई करने हेतु उनके अंतर्गत सभी लोक प्राधिकरणों को अनुदेश जारी करें।



(कृष्ण गोपाल वर्मा)

निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली।
4. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
5. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव - यह अनुरोध किया जाता है कि उपरोक्तलिखित प्रशासनिक सुधार आयोग की सिफारिशों को अपने राज्यों/संघ राज्य क्षेत्रों में लागू करने के लिए आवश्यक कार्रवाई करें।

No.1/33/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

North Block, New Delhi,  
Dated: the 14<sup>th</sup> November, 2007

**OFFICE MEMORANDUM**

Subject: Updating of Records- Recommendations of the Second Administrative Reforms Commission.

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The undersigned is directed to say that with a view to ensuring proper maintenance of records, the Right to Information Act, 2005, mandates that every public authority shall maintain all its records duly catalogued and indexed in a proper manner. The Second Administrative Reforms Commission, in its First Report (June 2006), 'Right to Information – Master Key to Good Governance', has observed that the weakest link in our information system is the neglect of record keeping. The Commission has recommended that, as a one time measure, the Government of India should earmark 1% of the funds of all Flagship Programmes for a period of five years for updating records, improving infrastructure, creating manuals and establishing the Public Records Offices.

2. The maintenance and updating of records is a continuing process which every public authority is obligated to do. Improving the infrastructure and bringing out the necessary manuals are also continuing processes, and the responsibility of the concerned public authorities. All the public authorities should update their records, improve their infrastructure, bring out necessary manuals from within their resources. They may make specific budgetary provision for the purpose as per their requirement.

3. Contents of this OM may be brought to the notice of all concerned.

  
(K.G. Verma)

Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

संख्या-1/33/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नॉर्थ ब्लॉक, नई दिल्ली,  
दिनांक: 14 नवम्बर, 2007


कार्यालय जापन

विषय: रिकार्डों को अद्यतन बनाना – द्वितीय प्रशासनिक सुधार आयोग की सिफारिशें।

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि रिकार्डों का समुचित रख-रखाव सुनिश्चित करने के लिए सूचना का अधिकार अधिनियम, 2005 यह अधिदेशित करता है कि प्रत्येक लोक प्राधिकारी अपने सभी रिकार्डों को समुचित रूप से तालिका बद्ध और सारणी बद्ध रूप में रखे। द्वितीय प्रशासनिक सुधार आयोग ने अपनी प्रथम रिपोर्ट (जून, 2006) 'सूचना का अधिकार-सुशासन की मास्टर कुंजी' में यह टिप्पणी की है कि हमारी सूचना प्रणाली में रिकार्ड कीपिंग को नजरन्दाज करना सबसे कमजोर लिंक है। आयोग ने यह सिफारिश की है कि एकबारगी उपाय के रूप में भारत सरकार, रिकार्डों को अद्यतन बनाने, आधारभूत संरचना में सुधार लाने, मैनुअल बनाने और लोक रिकार्ड कार्यालय स्थापित करने के लिए पाँच वर्ष की अवधि के लिए सभी आधारभूत कार्यक्रमों की निधियों का 1% हिस्सा चिह्नित करे।

2. रिकार्डों का रख-रखाव और अद्यतन किया जाना एक सतत प्रक्रिया है जिसका प्रत्येक लोक प्राधिकारी द्वारा निर्वहन किया जाना अपेक्षित है। आधारभूत संरचना में सुधार करना और आवश्यक मैनुअल तैयार करना भी सतत प्रक्रियाएं हैं जो संबंधित लोक प्राधिकारियों की जिम्मेवारी हैं। सभी लोक प्राधिकारियों से अपेक्षा है कि वे अपने संसाधनों से अपने रिकार्डों का अद्यतन करे, उनकी आधारभूत संरचना में सुधार लाए और आवश्यक मैनुअल तैयार करे। वे अपनी आवश्यकतानुसार इस आशय के लिए विशिष्ट बजटीय प्रावधान कर सकते हैं।

3. इस कार्यालय जापन की विषय-वस्तु को सभी संबंधितों के ध्यान में लाया जाए।

  
(कृष्ण गौपाल चर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्याचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लेक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।



disseminating the information, the public authority should take into consideration the cost effectiveness, local language, local communication in the concerned local extent possible, available with the Public Information Officers in the electronic format which could be made as per the prescribed. A copy of the document published, referred to in para 3, and also the copies of applications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

No.1/18/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 21<sup>st</sup> September, 2007

**OFFICE MEMORANDUM**

Subject: Maintenance of records and publication of information under the Right to Information Act, 2005.

\*\*\*\*

Section 4 of the Right to Information Act, 2005 sets out a practical regime of transparency in the working of the public authorities by way of disclosure of as much information to the public as possible, suo-motu so that the public may not have to resort to section 6. It is an important part of the Act observance of which is essential for its effective implementation.

2. Clause (a) of sub-section (1) of the section makes it obligatory for every public authority to maintain all its records duly catalogued and indexed. Record management in accordance with this provision is an important step to enable the Public Information Officers to furnish information sought under the Act. The clause also requires the public authority to have its records computerized and connected through a network all over the country. The public authorities are expected to complete the requirements of this clause on top priority.

3. Clause (b) of the sub-section ibid mandates the public authorities to publish the information mentioned therein within one hundred and twenty days from the date of enactment of the Act. It is expected that all public authorities would have complied with this requirement already. If it has not been done, its compliance may be ensured without any further delay. Information so published should also be updated every year as provided in the Act.

4. It is obligatory for all the public authorities under clause (c) of sub section (1) of section 4 of the Act to publish all relevant facts while formulating important policies and announcing decisions affecting the public. They, under clause (d), are also obliged to provide reasons for their administrative or quasi judicial decisions to the affected parties.

5. Section 4 of the Act requires wide dissemination of every information required to be disclosed suo motu in such form and manner which is accessible to the public. Dissemination may be done through notice boards, news papers, public announcements, media broadcasts, the internet or any other means. While



disseminating the information, the public authority should take into consideration the cost effectiveness, local language and the most effective method of communication in the concerned local area. The information should be, to the extent possible, available with the Public Information Officer in the electronic format which could be made available free of cost or at such price as may be prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

6. All the Ministries/Departments etc. are requested to comply with the above referred requirements of the Act and also to issue necessary instructions to the public authorities under them for compliance of the same.



(K.G. Verma)

Director

Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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



संख्या-1/18/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

कार्मिक और प्रशिक्षण विभाग

नई दिल्ली, दिनांक 21 सितम्बर, 2007

कार्यालय ज्ञापन

**विषय:-सूचना का अधिकार अधिनियम, 2005 के अंतर्गत रिकॉर्ड का रख-रखाव और सूचना का प्रकाशन।**

सूचना का अधिकार अधिनियम, 2005 की धारा 4 में अधिकाधिक सूचना के स्वयं प्रकटीकरण के प्रावधान के माध्यम से लोक प्राधिकारियों के काम-काज में पारदर्शिता की एक व्यावहारिक व्यवस्था निर्धारित की गई है ताकि जनता को धारा 6 का सहारा न लेना पड़े। अधिनियम का यह एक ऐसा महत्वपूर्ण भाग है जिसका अनुपालन, इसके प्रभावी कार्यान्वयन के लिए अनिवार्य है।

2. उपर्युक्त धारा की उपधारा (1) के खंड (क) के अनुसार प्रत्येक लोक प्राधिकारी को अपने सभी रिकॉर्डों को सूचीकृत और अनुक्रमणिका (इन्डेक्स) बना कर रखना बाध्यकर है। इस प्रावधान के अनुसार रिकॉर्ड प्रबंधन, लोक सूचना अधिकारी को अधिनियम के तहत मांगी गई सूचना मुहैया करवाने में सक्षम बनाने हेतु एक महत्वपूर्ण कदम है। इस खंड में लोक प्राधिकारी से यह अपेक्षित है कि वह अपने रिकॉर्डों को कम्प्यूटरीकृत करे और उन्हें देश भर में नेटवर्क के माध्यम से जोड़ दे। लोक प्राधिकारियों से, इस खंड की अपेक्षाओं को उच्चतम वरीयता के आधार पर पूरा करने की प्रत्याशा की जाती है।

3. उपर्युक्त उप धारा के खंड (ख) के अनुसार लोक प्राधिकारियों के लिए यह अधिदेशात्मक है कि वे उसमें उल्लिखित सूचनाओं का प्रकाशन, अधिनियम के लागू होने की तारीख से 120 दिनों के भीतर करवाएं। आशा की जाती है कि सभी लोक प्राधिकारियों द्वारा इस अपेक्षा का अनुपालन पहले ही किया जा चुका होगा। यदि ऐसा नहीं किया गया है तो इसका अनुपालन बिना कोई और विलंब किए सुनिश्चित कर लिया जाए।

4. अधिनियम की धारा 4 की उप धारा (1) के खंड (ग) के अंतर्गत सभी लोक प्राधिकारियों के लिए यह बाध्यकर है कि वे जनता को प्रभावित करने वाली महत्वपूर्ण नीतियां तैयार करते समय और निर्णय घोषित करते समय सभी संगत तथ्यों को प्रकाशित करें। वे खंड (घ) के अनुसार प्रभावित पक्षों को अपने प्रशासनिक अथवा अर्द्ध-न्यायिक निर्णयों के संबंध में कारण बताने के लिए भी बाध्य हैं।



5. अधिनियम की धारा 4 में यह अपेक्षित है कि स्वतः प्रकाशनीय सूचनाओं का व्यापक प्रसार, इस रूप और इस ढंग से किया जाए कि वह जनता तक पहुंच सके। सूचना का प्रसार नोटिस बोर्डों, समाचार पत्रों, सार्वजनिक उद्घोषणाओं, मीडिया प्रसारणों, इंटरनेट अथवा किन्हीं अन्य साधनों/माध्यमों द्वारा किया जा सकता है। सूचना का प्रसार करते समय प्रत्येक लोक प्राधिकारी को संबंधित स्थानीय क्षेत्र में लागत प्रभाव, स्थानीय भाषा और संचार की सर्वाधिक प्रभावी पद्धति को ध्यान में रखना चाहिए। लोक सूचना अधिकारी के पास सूचना, जहां तक संभव हो, इलैक्ट्रॉनिक प्रारूप में उपलब्ध होनी चाहिए जो निःशुल्क अथवा यथा निर्धारित शुल्क पर मुहैया करवाई जा सके। पैरा 3 में उल्लिखित प्रकाशित दस्तावेज की एक प्रति और उपर्युक्त पैरा 4 में उल्लिखित प्रकाशनों की प्रतियां लोक प्राधिकारी के एक अधिकारी के पास रखी जानी चाहिए और इन दस्तावेजों का निरीक्षण करने के इच्छुक किसी भी व्यक्ति द्वारा निरीक्षण के लिए उपलब्ध होनी चाहिए।

6. सभी मंत्रालयों/विभागों से अनुरोध है कि अधिनियम की उपर्युक्त उल्लिखित अपेक्षाओं का अनुपालन करें और अपने अधीनस्थ लोक प्राधिकारियों को उनका अनुपालन करने के संबंध में आवश्यक अनुदेश भी जारी करें।



(कृष्ण गोपाल वर्मा)

निदेशक

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग/लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति का सचिवालय/उप राष्ट्रपति का सचिवालय/प्रधान मंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. कर्मचारी चयन आयोग, सी.जी.ओ. कॉम्प्लैक्स, नई दिल्ली।
4. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10 बहादुरशाह जफर मार्ग, नई दिल्ली।
5. कार्मिक और प्रशिक्षण विभाग, पेंशन तथा पेंशनभोगी कल्याण विभाग के सभी अधिकारी/अनुभाग।

प्रतिलिपि : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।

No. 1/32/2013-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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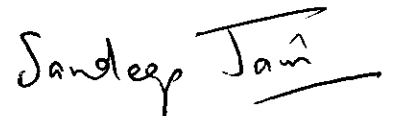
North Block, New Delhi  
Dated: the 28<sup>th</sup> November, 2013

**OFFICE MEMORANDUM**

**Subject:** Guide on the Right to Information Act, 2005 - updated Version.

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Section 26 of the RTI Act requires the Government to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act. Further, it requires the Government to update the guide at regular intervals. Accordingly an updated Guide on the Act is hereby published online which would help all the stake-holders viz. information seekers in getting information, public information officers in dealing with the RTI applications, first appellate authorities in taking cogent decisions on appeals and the public authorities in implementing various provisions of the Act in right earnest.



(SANDEEP JAIN)

Director

Tel: 23092755

# **DISCLAIMER**

Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the Guide and Government orders/ instructions on the subject, the latter will prevail.

Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for a legal interpretation/ evidence. The user will be solely responsible for any consequence of the decision taken on the basis of information contained in this Guide.

**GUIDE ON RIGHT TO INFORMATION**  
**ACT, 2005**

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for the citizens to secure information as a matter of right, the Indian Parliament enacted the Right to Information Act, 2005. This law is very comprehensive and covers almost all matters of governance. This Law has a wide reach, being applicable to Government at all levels- Union, State and Local as well as to the recipients of substantial government funds.

2. The present guide is an updated and consolidated guide for the use of all stakeholders. This guide contains five parts. Part I of the guide discusses some aspects of the Act which all the stake-holders are required to know. Rest of the four parts are specifically relevant to the public authorities, the information seekers, the public information officers and the first appellate authorities respectively.

3. Contents of this guide are specifically relevant in relation to the Central Government but are equally applicable to the State Governments except in relation to rules about payment of fee or deciding of appeals by the Information Commissions. It may be noted that this guide uses the term Public Information Officer in place of Central Public Information Officer/State Public Information Officer. Likewise Assistant Public Information Officer has been used for Central Assistant Public Information Officer/State Assistant Public Information Officer and Information Commission for Central Information Commission/State Information Commission except where it was considered necessary to make specific reference to the Central Public Information Officer/Central Information Commission etc.

# **Part I**

## **FOR ALL STAKEHOLDERS**

### **Object of the Right to Information Act**

4. The basic object of the Right to Information Act is to empower the citizens, to promote transparency and accountability in the working of the Government, to contain corruption, and to enhance people's participation in democratic process thereby making our democracy work for the people in a real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

### **What is Information**

5. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **What is a Public Authority**

6. A "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government are also public authorities. Non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The substantial financing by the Central Government or a State Government may be direct or indirect. The Act does not define substantial financing. Various courts/Information Commissions have been deciding on this issue on case to case basis, depending upon the merits of each case.

## **Public Information Officer**

7. Public authorities have designated some of its officers as Public Information Officers. They are responsible to give information to a person who seeks information under the RTI Act.

## **Assistant Public Information Officer**

8. These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information.

9. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

## **Right to Information under the Act**

10. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act that is available and existing and is held by the public authority or is held under the control of the public authority. The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

11. A citizen has a right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device.

12. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would



disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

13. In some cases, the applicants expect the Public Information Officer to give information in some particular proforma devised by them on the plea that they have a right to get information in the form in which it is sought. It need be noted that the provision in the Act simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or if it is sought in the form of a floppy or in any other electronic mode, it shall be provided in that form, subject to the conditions given in the Act. It does not mean that the PIO shall re-shape the information.

14. Some Information Seekers request the Public Information Officers to cull out information from some document(s) and give such extracted information to them. A citizen has a right to get 'material' from a public authority which is held by or under the control of that public authority. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

### **Right to Information Vis-a-Vis other Acts**

15. The RTI Act has over-riding effect vis-à-vis other laws. It implies that if any of the provisions of the RTI Act are not consistent with any other law for the time being in force including the Official Secrets Act, 1923, the provisions of the RTI Act would have effect.

### **Supply of Information to Associations etc.**

16. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

### **Fee for Seeking Information**

17. A citizen who desires to seek some information from a public authority is required to send, along with the application, a demand draft or a bankers cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the public authority or to the Assistant Public Information Officer, against a proper receipt. The payment of fee to the Central

Ministries/departments can also be made online through internet banking of State Bank of India or through Master/Visa Debit/credit cards.

18. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed by the Right to Information Rules, 2012. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-3 or smaller size paper) ;
- (b) actual cost or price of a photocopy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty (Rs.50/-) per diskette or floppy; and
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication.
- (f) so much of postal charges involved in supply of information that exceeds fifty rupees.

19. A citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

20. If the applicant belongs to the below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim as belonging to the below poverty line category. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line category, as the case may be, shall not be a valid application under the Act. It may be pointed out that there is no bar on the public authority to supply information in response to such applications. However, provisions of Act would not apply to such cases.

### **Format of Application**

21. There is no prescribed format of application for seeking information. The application can be made on plain paper. The applicant should mention the address at which the information is required to be sent.

22. The information seeker is not required to give reasons for seeking information.

### **Information Exempted From Disclosure**

23. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure outweighs the harm to the protected interests.

24. The information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) Information, the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

## **Record Retention Schedule and the Act**

25. The Act does not require the public authorities to retain records for indefinite period. The records need be retained as per the record retention schedule applicable to the concerned public authority.

## **Assistance Available to the Applicant**

26. If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance. Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer, shall provide such assistance to the person as may be appropriate for inspection.

## **Time Period for Supply of Information**

27. In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours. Further details in this regard are given in part IV viz. 'For the Public Information Officers.'

## **Appeals**

28. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal

within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

29. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

## **Complaints**

30. If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

## **Third Party Information**

31. Third party in relation to the Act means a person other than the citizen making a request for information. The definition of third party includes a public authority other than the public authority to which the request has been made.

## **Disclosure of Third Party Information**

32. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

33. In regard to a third party information which the third party has treated as confidential, the Public Information Officer should follow the procedure as given in part IV viz. '**FOR PUBLIC INFORMATION OFFICERS**'. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

## **RTI ONLINE**

34. Department of Personnel & Training has launched a web portal namely RTI online with URL [www.rtionline.gov.in](http://www.rtionline.gov.in) for all Central Ministries/Departments. This is a facility for the Indian citizens to file RTI applications and first appeals online to all Central Ministries/Departments. The prescribed RTI fees can also be paid online. Reply to the RTI applications and first appeals received online can also be given online by the respective PIOs/FAAs.

## **Compilation of OMs and notifications on RTI**

35. Department of Personnel and Training has launched an online compilation of its Office Memorandums and Notifications on Right to Information Act, 2005, with topic based search facility. This compilation is available on the website of the Department namely [www.persmin.nic.in](http://www.persmin.nic.in) and is beneficial to all the stake holders.

## **Part II**

# **FOR PUBLIC AUTHORITIES**

Public authorities are the repository of information which the citizens have a right to access 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.

### **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 communication, 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 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.

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

11. 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**

12. 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 right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. All the public authorities should also designate the First Appellate Authorities and publish their particulars alongwith the particulars of the Public Information Officers.



## **Acceptance of Fee**

13. According to the Right to Information Rules, 2012, an applicant can make payment of fee in cash to the public authority or CAPIO or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The payment of fee to the Central Ministries/departments can also be made online through internet banking of State Bank of India or through Master/Visa Debit/credit cards. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, it should designate an officer as such for the purpose of receiving fee under the RTI Act and Rules made thereunder.

## **Compliance of the Orders of the Information Commission**

14. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are implemented. If any public authority or a PIO is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

## **Creation of RTI Cell**

15. Sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. Where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer. The applicants would also face problem in identifying the officer senior in rank to the Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act can be made. Therefore all public authorities with more than one PIO should create a RTI Cell within the organisation to receive all the RTI applications and first appeals and to route them to the concerned PIOs/FAAs. Detailed instructions regarding setting up of RTI Cell, its functions and financial assistance in setting up RTI Cell have been issued by the Department.

## **Transfer of Applications**

16. The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application.

The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

17. If a person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, in such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. However, if the details of public authorities who may have the information sought by the applicant are available with the PIO, such details may also be provided to the applicant.

18. If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

## **Annual Report of the CIC**

19. The Information Commissions, after the end of each year, are required to prepare reports on the implementation of the provisions of the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the concerned Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

20. Every public authority should send necessary material to its administrative Ministry/Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report. For this purpose, a web based software called “RTI Annual Report Information System” is available on the website of CIC namely [www.cic.gov.in](http://www.cic.gov.in) through which public authorities are required to upload requisite reports on quarterly basis. It is important that all public authorities should get themselves registered with CIC for the purpose of this report and also upload their quarterly returns regularly and on time.

21. If it appears to the Information Commission that a practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

## **Part III**

# **FOR INFORMATION SEEKERS**

### **Method of Seeking Information**

A citizen, who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee at the time of submitting the application as prescribed in the RTI Rules, 2012. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through an Assistant Public Information Officer.

### **Application to the concerned Public Authority**

2. The applicant should make application to the Public Information Officer of the concerned public authority. He should make all efforts to ascertain as to which the public authority is concerned with the information. If the information sought by an applicant is related to different PIOs in a Public Authority or is related to different Public authorities, the supply of information is likely to take a lot more time than if the information sought is related to a single PIO in one Public Authority.

3. The applicant should not list out his grievances in the RTI application but should clearly mention which information or record he would like to seek. Further, if the drafting of the application is such that it pin points towards the specific documents required in relation to the information sought, there would be less scope of ambiguity, thereby resulting in less chances of denial of information by the Public Information Officer. For example instead of simply asking why my area is not being cleaned, cleaning schedule of the area should be asked. Similarly, instead of asking when we will get water supply, water supply planning of the area should be asked.

### **Fee for Seeking Information**

4. Along with the application, the applicant should send application fee to the Public Information Officer. In case of Government of India, the prescribed application fee is Rs. 10/- which can be paid through a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority. The payment of fee

can also be made by way of cash to the public authority or to the Assistant Public Information Officer against proper receipt. In case of online applications to Central Ministries/departments, fee can be paid online through internet banking of State Bank of India or through Master/Visa credit/debit cards.

5. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the Public Information Officer. The fee so demanded can be paid the same way as application fee.

6. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim as belonging to the below poverty line category. The application not accompanied by the prescribed application fee or proof of the applicant's belonging to below poverty line category, as the case may be, shall not be a valid application under the Act.

### **Format of Application**

7. There is no prescribed format of application for seeking information. The application can be made on a plain paper. The applicant should mention the address at which the information is required to be sent. The information seeker is not required to give reasons for seeking information.

### **Filing of Appeal**

8. An applicant can file an appeal to the first appellate authority if the information is not supplied to him within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The first appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

9. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

10. The appeal made to the Central Information Commission should contain the following information: -

(i) Name and address of the appellant;

- (ii) Name and address of the Public Information Officer to whom the application was addressed;
- (iii) Name and address of the Public Information Officer who gave reply to the application;
- (iv) Name and address of the First Appellate Authority who decided the first appeal;
- (v) Particulars of the application;
- (vi) Particulars of the order including number, if any, against which the appeal is preferred;
- (vii) Brief facts leading to the appeal;
- (viii) Prayer or relief sought;
- (ix) Grounds for prayer or relief;
- (x) Any other information relevant to the appeal;
- (xi) Verification/authentication by the appellant.

11. The appeal made to the Central Information Commission should be accompanied by the following documents, duly authenticated and verified by the appellant, namely:

- (i) a copy of the application submitted to the CPIO;
- (ii) a copy of the reply received, if any, from the CPIO;
- (iii) a copy of the appeal made to the FAA;
- (iv) a copy of the order received, if any, from the FAA;
- (v) Copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

## **Filing of Complaints**

12. A person can make a complaint to the Information Commission if he is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information.

## **Part IV**

# **FOR PUBLIC INFORMATION OFFICERS**

The Public Information Officer of a public authority plays a pivotal role in making the right of citizens to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a Public Information Officer to study the Act carefully and understand its provisions correctly. Besides the issues discussed elsewhere in this document, a Public Information Officer should keep the following aspects in view while dealing with the applications under the Act.

### **Applications Received Without Fee**

2. Soon after receiving the application, the Public Information Officer should check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) category. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as an application under the RTI Act. It may, however, be noted that the Public Information Officer should consider such an application sympathetically and try to supply information sought by way of such an application.

3. A public authority may designate as many Public Information Officers for it, as it may deem necessary. It is possible that in a public authority with more than one Public Information Officer, an application is received by the Public Information Officer other than the concerned Public Information Officer. In such a case, the Public Information Officer receiving the application should transfer it to the concerned Public Information Officer immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one Public Information Officer to another in the same public authority.

### **Rendering Assistance to Applicants**

4. The RTI Act provides that the Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is made. If a person seeking information is not able to make such request in writing, the Public Information Officer should render reasonable assistance to him to reduce the same in writing.

5. Where access to a record is required to be provided to a sensorily disabled person, the Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

## **Assistance Available to PIO**

6. The Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the Public Information Officer, would render all assistance to him. Such an officer shall be deemed to be a Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Public Information Officer. It would be advisable for the Public Information Officer to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

7. Some Public Information Officers, on the basis of above referred provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed Public Information Officer. Thus, they use the above referred provision to designate other officers as Public Information Officer. According to the Act, it is the responsibility of the officer who is designated as the Public Information Officer by the public authority to provide information to the applicant or reject the application for any reasons specified in Sections 8 and 9 of the Act. The Act enables the Public Information Officer to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as Public Information Officer and direct him to send reply to the applicant. The import of the provision is that, if the officer whose assistance is sought by the Public Information Officer, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the Public Information Officer.

## **Supply of Information**

8. The answering Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.



9. Where a request for information is rejected, the Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

10. If additional fee is required to be paid by the applicant as provided in the Fee and Cost Rules, the Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

11. Though there is no hard and fast rule as to when exactly intimation about additional fees is to be given to the applicant, such intimation should be given soon after receipt of RTI application.

## **Supply of Part Information by Severance**

12. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt, and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based.

## **Time Period for Supply of Information**

13. The following table shows the **maximum** time (from the receipt of application) which may be taken to dispose off the applications in different situations:

<b>Sr. No.</b>	<b>Situation</b>	<b>Time limit for disposing off applications</b>
1.	Supply of information in normal course.	30 days
2.	Supply of information if the application is received through APIO.	05 days shall be added to the time period indicated

		at Sr. No. 1
3.	Supply of information if it concerns the life or liberty of a person	48 hours
4.	Transfer of application to other public authority under section 6(3) of the Act	05 days
5.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course  (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
6.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the receipt of such fee by the public authority shall be excluded for calculating the period of reply.
7.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights (after approval of the Central Information Commission)  (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application.  (b) Within 30 days of the receipt of application.

14. If the Public Information Officer fails to give decision on the request for information within the prescribed period, he shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Disclosure of Third Party Information**

15. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information shall not be disclosed unless the competent

authority is satisfied that larger public interest warrants the disclosure of such information.

16. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not. The guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, the Public Information Officer would have to follow the following procedure before disclosing such information.

17. If the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He shall request the third party to make a submission in writing or orally, regarding whether the information may be disclosed. The third party shall be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

18. The Public Information Officer shall make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the Public Information Officer should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

19. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer a second appeal to the Information Commission.

20. If an appeal has been filed by the third party against the decision of the Public Information Officer to disclose the third party information, the information should not be disclosed till the appeal is decided.

### **Imposition of Penalty**

21. An applicant under the Act has a right to appeal to the Information Commission and also to make complaint to the Commission. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished

subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

### **Disciplinary Action Against PIO**

22. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

### **Protection for Work Done in Good Faith**

23. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A Public Information Officer should, however, note that it would be his responsibility to prove that his action was in good faith.

## **Part V**

# **FOR FIRST APPELLATE AUTHORITIES**

The first Appellate Authority has a very important role under the RTI Act, 2005. The independent and judicious examination of appeals by the First Appellate Authorities would lead to higher satisfaction to the appellants. This would, in turn, result in less number of second appeals to the Information Commission.

2. The information sought by an applicant should either be supplied to him by the Public Information Officer or his application should be rejected within the time prescribed under the Act. If additional fee need be charged from the applicant, timely communication in this regard should be sent to him.

### **First Appeal**

3. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the Public Information Officer regarding supply of information or the quantum of fee decided by the Public Information Officer. The applicant may prefer the first appeal within thirty days from the expiry of such period or from the receipt of such a decision of the Public Information Officer.

4. The First Appellate Authority may admit the appeal after expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

5. A third party can also prefer an appeal to the First Appellate Authority against the order of the Public Information Officer to disclose third party information. Such an appeal shall be made within thirty days from the date of the order.

### **Disposal of Appeal**

6. While disposing off first appeals, the first Appellate Authorities should act in a fair and judicious manner. It is very important that the order passed by the first appellate authority should be a detailed and speaking order, giving justification for the decision arrived at.

7. If an appellate authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the

Public Information Officer, he may either (i) pass an order directing the Public Information Officer to give such information to the appellant; or (ii) he himself may give information to the appellant. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

8. If, in any case, the Public Information Officer does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the Public Information Officer. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

### **Time limit for disposal of appeal**

9. The first appellate authority should dispose off the appeal within 30 days of receipt of the appeal. In some exceptional cases, the Appellate Authority may take 45 days for its disposal. However, in such cases, the Appellate Authority should record, in writing, the reasons for not deciding the appeal within 30 days.

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

North Block, New Delhi  
Dated the 15<sup>th</sup> April, 2013

**OFFICE MEMORANDUM**

**Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:**

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, 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. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
  - i. *Suo motu* disclosure of more items under Section 4.
  - ii. Guidelines for digital publication of proactive disclosure under Section 4.
  - iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
  - iv. Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that 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 and 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.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

*Manoj Joshi*

(Manoj Joshi)  
Joint Secretary  
Tele : 23093668

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, Planning Commission, Election Commission.
3. Central Information Commission.
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

### INDEX

<b>S. No.</b>	<b>Chapter</b>	<b>Page No.</b>
<b>1</b>	<i>Suo motu</i> disclosure of more items under Section 4	<b>1</b>
<b>2</b>	Guidelines for digital publication of proactive disclosure under Section 4	<b>4</b>
<b>3</b>	Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective	<b>7</b>
<b>4</b>	Compliance with provisions of <i>suo motu</i> disclosure	<b>12</b>

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

### **1.0 *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:

#### **1.1 Information related to Procurement**

1.1.1 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 30<sup>th</sup> November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30<sup>th</sup> 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.

#### **1.2 Public Private Partnerships**

1.2.1 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.

### **1.3 Transfer Policy and Transfer Orders**

1.3.1 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.

### **1.4 RTI Applications**

1.4.1 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.

### **1.5 CAG & PAC paras**

1.5.1 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.

### **1.6 Citizens Charter**

1.6.1 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.

## **1.7 Discretionary and Non-discretionary grants**

1.7.1 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.

## **1.8 Foreign Tours of PM/Ministers**

1.8.1 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.

1.8.2 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 1<sup>st</sup> 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.



3.3.2 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.

3.3.3 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.

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

3.4.1 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.

3.4.2 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.

3.4.3 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).

**3.5 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”.**

3.5.1 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.**

3.6.1 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.

3.6.2 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 DoPT and 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. 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.

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No.1/14/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 31<sup>st</sup> October, 2007

**OFFICE MEMORANDUM**

Subject: Disclosure of information relating to occurrence/event/matter which took place 20 years back.

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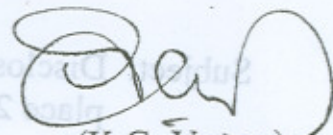
Attention is invited to sub-section (3) of section 8 of the Right to Information Act, 2005 (Act) which provides that 'subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section'. References have been received in this Department seeking clarification whether the above provision of the Act requires all the records to be preserved for more than a period of 20 years. The Second Administrative Reforms Commission, in its First Report titled the 'Right To Information – Master Key to Good Governance', has also expressed an apprehension about interpretation of the above provision with reference to the retention schedule of the files.

2. The RTI Act does not prescribe a record retention schedule. The records are to be retained by a public authority as per the record retention schedule applicable to that public authority. It is, however, important to note that weeding out of a file or any other record does not necessarily result into destruction of all the information contained in that file or record. It is possible that information generated in a file may be available in the form of an OM or a letter or in any other form even after the file has been weeded out. The above referred provision of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section (1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen -

- (i) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;



- (ii) Information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
  - (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section (1) of Section 8 of the Act.
3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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



संख्या-1/14/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 31 अक्टूबर, 2007

कार्यालय ज्ञापन

विषय: 20 वर्ष पहले घटित घटना/वृत्तांत/विषय से संबंधित सूचना का खुलासा।

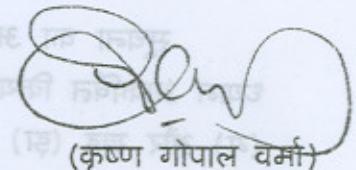
सूचना का अधिकार अधिनियम, 2005 (अधिनियम) की धारा 8 की उप-धारा (3) की ओर ध्यान आकर्षित किया जाता है जिसमें यह प्रावधान किया गया है कि 'उपधारा (1) के खंड (क), खंड (ग) और खंड (झ) के उपबंधों के अधीन रहते हुए किसी ऐसी घटना, वृत्तांत या विषय से संबंधित कोई सूचना, जो उस तारीख से, जिसको धारा 6 के अधीन कोई अनुरोध किया जाता है, बीस वर्ष पूर्व घटित हुई थी या हुआ था, उस धारा के अधीन अनुरोध करने वाले किसी व्यक्ति को उपलब्ध कराई जाएगी।' इस विभाग में ऐसे संदर्भ प्राप्त हुए हैं जिनमें यह स्पष्टीकरण मांगा गया है कि क्या अधिनियम के उपर्युक्त प्रावधान के अनुसार सभी रिकार्डों को 20 वर्ष की अवधि से अधिक समय के लिए सुरक्षित रखा जाना अपेक्षित है। द्वितीय प्रशासनिक सुधार आयोग ने भी 'सूचना का अधिकार - अच्छे शासन की मास्टर कुंजी' शीर्षक वाली अपनी पहली रिपोर्ट में फाइलों की प्रतिधारण अनुसूची के संदर्भ में उपर्युक्त प्रावधान की व्याख्या के बारे में आशंका व्यक्त की है।

2. सूचना का अधिकार अधिनियम रिकार्ड प्रतिधारण अनुसूची निर्धारित नहीं करता। रिकार्डों का प्रतिधारण सम्बद्ध लोक प्राधिकरण में लागू रिकार्ड प्रतिधारण अनुसूची के अनुसार किया जाना अपेक्षित है। स्मरणीय है कि किसी फाइल या रिकार्ड को नष्ट करने से उस फाइल या रिकार्ड में समाहित सभी सूचनाएं नष्ट नहीं हो जाती। यह सम्भव है कि फाइल में सृजित सूचना, फाइल के नष्ट किए जाने के बाद भी कार्यालय ज्ञापन या पत्र अथवा किसी अन्य रूप में उपलब्ध रहे। अधिनियम के उपर्युक्त प्रावधान के अनुसार इस प्रकार उपलब्ध जानकारी को 20 वर्ष के व्यपगत हो जाने के बाद प्रस्तुत करना अपेक्षित है भले ही ऐसी सूचना को धारा 8 की उप-धारा (1) के अंतर्गत प्रकट करने से छूट दी गई हो। आशय यह है कि ऐसी सूचना जिसे अधिनियम की धारा 8 की उपधारा (1) के अंतर्गत प्रकट करने से छूट प्राप्त है, सूचना से संबंधित घटना के घटित होने के 20 वर्ष बाद प्रकट करनी होगी। तथापि निम्नलिखित प्रकार की सूचना, के प्रकटीकरण पर प्रतिबंध बना रहेगा और 20 वर्षों के व्यपगत होने के बाद भी ऐसी सूचना को किसी नागरिक को देने की कोई बाध्यता नहीं होगी:



- (i) सूचना, जिसके प्रकटन से भारत की प्रभुता और अखण्डता, राज्य की सुरक्षा, रणनीति, वैज्ञानिक या आर्थिक हित, विदेश से संबंध पर प्रतिकूल प्रभाव पड़ता हो या किसी अपराध को करने का उद्दीपन होता हो;
- (ii) सूचना, जिसके प्रकटन से संसद या किसी राज्य के विधान-मंडल के विशेषाधिकार का भंग कारित होगा; अथवा
- (iii) अधिनियम की धारा 8 की उप-धारा (1) के खण्ड (i) के परंतुक में दी गई शर्तों के अधीन मंत्रिपरिषद, सचिवों और अन्य अधिकारियों के विचार-विमर्श के अभिलेख सहित मंत्रिमंडलीय कागजात।

3. इस कार्यालय ज्ञापन की विषय-वस्तु को सभी संबंधितों के ध्यान में लाया जाए।



(कृष्ण गोपाल वर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्पलैक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रतिलिपि प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।

No.10/2/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 12<sup>th</sup> June, 2008

**OFFICE MEMORANDUM**

Subject: RTI applications received by a public authority regarding information concerning other public authority/authorities.

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It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no part of which is available with the public authority to which the application is made and remaining or whole of the information concerns another public authority or many other public authorities. A question has arisen as to how to deal with such cases.

2. Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the concerned public authority. Section 6(3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of information sought by him/her would be available with the public authority to which he/she has addressed the application, but is actually held by some another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority, which to a person of ordinary prudence, would not appear to be the concern of that public authority, the applicant does not fulfill his responsibility of addressing the application to the 'concerned public authority'.

3. Given hereinafter are some situations which may arise in the matter and action required to be taken by the public authorities in such cases:

- (i) A person makes an application to a public authority for some information which concerns some another public authority. In such a case, the PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO of the public authority is not able to find out as to which public authority is concerned with the information even after making reasonable efforts to find out the concerned public authority, he should inform the applicant that the information is not available with that public authority and that he is not aware of the particulars of the concerned public authority to which the application could be transferred. It would, however, be the responsibility of the PIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned public authority.
- (ii) A person makes an application to a public authority for information, only a part of which is available with that public authority and a part of the information concerns some 'another public authority.' In such a case, the PIO should supply the information available with him and a copy of the application should be sent to that another public authority under intimation to the applicant.
- (iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to 'another public authority' and not 'other public authorities'. Use of singular form in the Act in this regard is important to note.

- (iv) If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.
4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

No.11/2/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated: the 10<sup>th</sup> July, 2008

**OFFICE MEMORANDUM**

Subject: Clarification regarding format in which the 'information' should be supplied under the RTI Act, 2005.

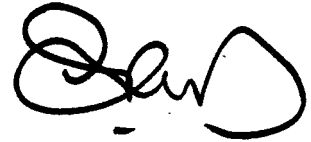
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It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular proforma devised by them on the plea that sub-section (9) of Section 7 provides that an information shall ordinarily be provided in the form in which it is sought. It need be noted that the sub-section simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy and if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to

supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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 and Pensioners Welfare.

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

No. 1/3/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training  
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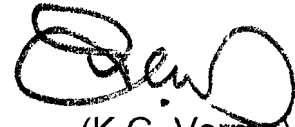
New Delhi, Dated the 25<sup>th</sup> April, 2008

**OFFICE MEMORANDUM**

Subject : Guidelines for the Officers designated as first appellate authority under the RTI Act, 2005.  
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The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority is responsible to supply correct and complete information to an information seeker under the Right to Information Act, 2005 within the specified time. It is possible that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. While the first appeal lies within the public authority itself, the second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The First Appellate Authority is, however, required to dispose off the appeals received by him in the light of the provisions of the Act and keeping in view the principles of natural justice. A Guide has been prepared for the First Appellate Authorities, a copy of which is enclosed as Annexure. It is expected that it would help them perform their duties effectively.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158

To

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 / Planning Commission
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
  4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
  5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the First Appellate Authorities under the States. The State Governments may like to issue similar guidelines for their First Appellate Authorities.

## **Guide for the First Appellate Authorities**

It is the responsibility of the Central Public Information Officer (CPIO) of a public authority to supply correct and complete information within the specified time to any person seeking information under the RTI Act, 2005. There are possibilities that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. The first appeal lies within the public authority itself which is made to an officer designated as the First Appellate Authority by the concerned public authority. The First Appellate Authority happens to be an officer senior in rank to the CPIO. The second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The Guidelines contained in this document are meant for the First Appellate Authorities.

2. In order to perform his/her duties effectively, the Appellate Authority should study the Act carefully and understand its provisions correctly. This document explains some of the important aspects of the Act which a First Appellate Authority should, in particular, be conversant with.

### **What is Information**

3. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

## **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

10. Sub-section (1) of section 8 and section 9 of the Act enumerate the categories of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or

economic interest of the State, relation with foreign state or lead to incitement of an offence;

- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Right to Information Vis-a-Vis Other Acts**

12. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Fee for Seeking Information**

13. An applicant, along with his application, is required to pay a sum of Rs.10/- as application fee in cash or by way of a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority. The applicant may also have to pay additional fee, as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);

(e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and

(f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

14. If the applicant belongs to 'below poverty line (BPL)' category, he/she is not required to pay any fee. However, he/she should submit a proof in support of his/her claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

15. It may be noted that where the CPIO decides that the information shall be provided on payment of fee in addition to the application fee, the CPIO is required, inter-alia, to inform the applicant:

(i) the details of further fees required to be paid;

(ii) the calculations made to arrive at the amount of fees asked for;

### **Contents and Format of Application**

16. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

### **Transfer of Application**

17. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that

public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

18. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

19. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

20. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

21. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

### **Supply of Part Information by Severance**

22. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

23. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

24. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CAPIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission, as the case may be. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.



25. In case of an application transferred from one public authority to another public authority reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

26. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

27. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course	(a) Within 30 days of the receipt of the application by the concerned public

	(b) In case the information concerns the life or liberty of a person.	authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 32 to 36 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

28. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **First Appeal**

29. The information sought by an applicant should either be supplied to him or his application should be rejected within the time prescribed by the Act. If additional fee need be charged from the applicant, communication in this regard should be sent to him within the time limit prescribed for sending information. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified

time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the CPIO regarding supply of information or the quantum of fee decided by the CPIO.

### **Appeal in relation to Third Party Information**

30. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

31. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

32. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

33. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information

should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

34. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

35. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

36. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

#### **Time Limit for Filing of First Appeal**

37. The first appeal may be made within 30 days from the date of expiry of the prescribed period or from the receipt of communication from the CPIO. If the First Appellate Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal, the appeal may be admitted after 30 days also.

#### **Disposal of Appeal**

38. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the

order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

### **Time Limit for Disposal of Appeal**

39. The appeal should be disposed off within 30 days of receipt of the appeal. In exception cases, the Appellate Authority may take 45 days for its disposal. However, in cases where disposal of appeal takes more than 30 days, the Appellate Authority should record in writing the reasons for such delay.

40. If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

41. If, in any case, the CPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

**No. 21011/1/2005-Estt (A) (Pt-II)**  
**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel and Training)**

North Block, New Delhi, 14<sup>th</sup> May, 2009

**OFFICE MEMORANDUM**


Subject:- Maintenance and preparation of Annual Performance Appraisal Reports-communication of all entries for fairness and transparency in public administration.

The undersigned is directed to invite the attention of the Ministries/Departments to the existing provisions in regard to preparation and maintenance of Annual Confidential Reports which inter-alia provide that only adverse remarks should be communicated to the officer reported upon for representation, if any. The Supreme Court has held in their judgement dated 12.5.2008 in the case of Dev Dutt vs Union of India (Civil Appeal No.7631 of 2002) that the object of writing the confidential report and making entries is to give an opportunity to the public servant to improve the performance. The 2<sup>nd</sup> Administrative Reforms Commission in their 10<sup>th</sup> Report has also recommended that the performance appraisal system for all services be made more consultative and transparent on the lines of the PAR of the All India Services.

2. Keeping in view the above position, the matter regarding communication of entries in the ACRs in the case of civil services under the Government of India has been further reviewed and the undersigned is directed to convey the following decisions of the Government:-

- (i) The existing nomenclature of the Annual Confidential Report will be modified as Annual Performance Assessment Report (APAR).
- (ii) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Where Government servant has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.
- (iii) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.
- (iv) The concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

- (v) The new system of communicating the entries in the APAR shall be made applicable prospectively only with effect from the reporting period 2008-09 which is to be initiated after 1<sup>st</sup> April 2009.
- (vi) The competent authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.
- (vii) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.
3. All Ministries/Departments are requested to bring to the notice of all the offices under them for strict implementation of the above instructions.

  
**(C.A. Subramanian)**  
 Director

To

**All Ministries/Departments of Government of India**

Copy to:-

1. Chief Secretaries of All State Governments/U.T.s
2. The President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat.
6. The Lok Sabha Secretariat.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Union Public Service Commission, New Delhi.

Copy also to:-

- (a) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
- (b) Establishment Officer and Secretary, ACC (10 copies).
- (c) All officers and Sections in the Department of Personnel and Training.
- (d) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
- (e) All Staff Members of Departmental Council (JCM).
- (f) All Staff members of the Departmental Council (JCM), Ministry of Personnel, Public Grievances and Pensions.
- (g) NIC (DoP&T) for placing the Office Memorandum on the web-site of DoP&T.
- (h) Hindi Section for Hindi version of the O.M.

No. 4/9/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated the 24<sup>th</sup> June, 2008

OFFICE MEMORANDUM

Subject: Courteous behavior with the persons seeking information under the RTI Act, 2005.

\*\*\*\*\*

The Central Information Commission has brought to the notice of this Department that officers of some of the public authorities do not behave properly with the persons who seek information under the RTI Act. The undersigned is directed to say that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his dignity.

2. Many organizations/training institutions are conducting training programmes on the Right to Information Act. The public authorities should ensure that their PIOs and other concerned officers are exposed to such training programmes. The public authorities may also organize training programmes at their own level. While imparting such training, the officers should be sensitized about the need of courteous behaviour with the information seekers.

3. The Commission has also expressed concern over the fact that many public authorities have not published relevant information under section 4 of the Act. All the public authorities should ensure that they make suo motu disclosure as provided in the Act without any further delay. It is a statutory requirement, which should not be compromised with.

.....2/-



-:2:-

4. All Ministries/Departments etc. are requested to bring the contents of this OM to the notice of all concerned and ensure compliance thereof.



(K.G. Verma)  
Director

To

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission/ Lok Sabha Sectt./ 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: JS(Training), DOPT

With the request to issue necessary instructions to all the training institutes conducting training programmes on the Right to Information to the effect that the programme should have a component on sensitizing the officers about the need of courteous behaviour with the information seekers.

Copy also to:

Chief Secretaries of all the States/UTs.

No.1/26/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

....  
North Block, New Delhi,  
Dated: the 9<sup>th</sup> January, 2008

To

Chief Secretaries of all the States/UTs

Subject: Involving Non-Governmental Organisations for spreading awareness about the RTI Act, 2005.

\*\*\*\*

Sir,

I am directed to say that clause (a) of sub-section (1) of Section 26 of the Right to Information Act, 2005 casts a responsibility on the Governments of States to develop and organize educational programmes to advance the understanding of the public about exercise of their right to information. It is a gigantic task which requires involvement of various sections of society. Non-Governmental Organisations are providing various kinds of services to the people and creating awareness amongst them. They come in close contact with the public and may play an important role in disseminating knowledge about the use of the Right to Information Act. You are, therefore, requested to involve the Non-Governmental Organisations working in your State to spread awareness about the Act.

Yours faithfully,



(K.G. Verma)  
Director

No.1/32/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

North Block, New Delhi,  
Dated: the 14<sup>th</sup> November, 2007

**OFFICE MEMORANDUM**

Subject: Creation of a Central Point for receiving applications and designation of appellate authorities under the Right to Information Act, 2005.

\*\*\*

The undersigned is directed to say that the sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. The Second Administrative Reforms Commission in its First Report (June 2006) has observed that where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer, and the applicants would also face problem in identifying the officer senior in rank to the PIO to whom an appeal under sub-section (1) of Section 19 of the Act can be made. (For convenience such an officer is termed as the First Appellate Authority). The Commission has, inter-alia, recommended that all Ministries/Departments/Agencies/Offices, with more than one PIO, should designate a Nodal Officer with the authority to receive requests for information on behalf of all PIOs. The Commission has also recommended that all the public authorities should designate the First Appellate Authorities.

2. It is, therefore, requested that all public authorities with more than one PIO should create a central point within the organisation where all the RTI applications and the appeals addressed to the First Appellate Authorities may be received. An officer should be made responsible to ensure that all the RTI applications/appeals received at the central point are sent to the concerned Public Information Officers/Appellate Authorities, on the same day. For instance, the RTI applications/appeals may be received in the Receipt and Issue Section/ Central Registry Section of the Ministry/Department /Organsiation/Agency and distributed to the concerned PIOs/Appellate Authorities. The R&I/CR Section may maintain a separate register for the purpose. The Officer-in-Charge/Branch Officer of the Section may ensure that the applications/appeals received are distributed the same day.

3. 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 to the person making the request the particulars of the Appellate Authority. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected. 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 cases the applicant may like to exercise his right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. It has, therefore, been decided that all the public authorities shall designate the First Appellate Authorities and publish their particulars alongwith the particulars of the PIOs.

4. All the Ministries/Departments etc. are requested to issue instructions to all concerned to take action accordingly.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

संख्या-1/32/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

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नॉर्थ ब्लॉक, नई दिल्ली,  
दिनांक: 14 नवम्बर, 2007

कार्यालय ज्ञापन

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत आवेदन प्राप्त करने के लिए एक केन्द्रीय काउंटर का गठन और अपीलीय प्राधिकारियों को पदनामित करना।


अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना प्रदान करने के लिए, अधिनियम की धारा 5 की उप-धारा (1) में सभी लोक प्राधिकारियों के लिए यह अधिदेश है कि वे यथा आवश्यक लोक सूचना अधिकारी पद-नामित करें। द्वितीय प्रशासनिक सुधार आयोग ने अपनी प्रथम रिपोर्ट (जून, 2006) में यह टिप्पणी की है कि यदि कोई लोक प्राधिकारी एक से अधिक लोक सूचना अधिकारी पदनामित करता है तो आवेदक को समुचित लोक सूचना अधिकारी का पता लगाने में कठिनाई हो सकती है। आवेदक को लोक सूचना अधिकारी के रैंक से वरिष्ठ अधिकारी जिसको अधिनियम की धारा 19 की उप-धारा (1) के अंतर्गत अपील की जा सकती है, की पहचान करने में भी समस्या हो सकती है (सुविधा के लिए ऐसे अधिकारी को प्रथम अपीलीय प्राधिकारी कहा जाता है)। आयोग ने अन्य बातों के साथ-साथ यह सिफारिश की है कि ऐसे सभी मंत्रालय/विभाग/अभिकरण/कार्यालय जिनके एक से अधिक लोक सूचना अधिकारी हैं, एक ऐसा नाडल अधिकारी पदनामित करे जिसे सभी लोक सूचना अधिकारियों की ओर से सूचना के लिए अनुरोध प्राप्त करने का प्राधिकार हो। आयोग ने यह भी सिफारिश की है सभी लोक प्राधिकारी प्रथम अपील प्राधिकारी भी पदनामित करें।

2. अनुरोध है कि ऐसे सभी लोक प्राधिकारी जिनके एक से अधिक लोक सूचना अधिकारी हैं, संगठन के भीतर एक ऐसे केन्द्रीय काउंटर का गठन करें जहां अधिनियम के अंतर्गत सभी आवेदन तथा प्रथम अपीलीय प्राधिकारी को सम्बोधित अपीलें प्राप्त की जा सकें। एक अधिकारी को यह सुनिश्चित करने की जिम्मेवारी दी जाए कि वह केन्द्रीय काउंटर पर प्राप्त सूचना का अधिकार अधिनियम संबंधी आवेदन/अपीले, संबंधित लोक सूचना अधिकारियों/अपीलीय अधिकारियों को उसी दिन भिजवा देने की व्यवस्था करे। उदाहरण के तौर पर सूचना का अधिकार संबंधी आवेदन/अपीलें, मंत्रालय/विभाग/संगठन/अभिकरण के प्राप्ति और जारी अनुभाग/केन्द्रीय रजिस्ट्री अनुभाग में प्राप्त करके संबंधित लोक सूचना अधिकारी/अपीलीय प्राधिकारी को वितरित की जा सकती हैं। प्राप्ति और जारी

अनुभाग/केन्द्रीय रजिस्ट्री अनुभाग इस आशय के लिए एक अलग रजिस्टर का रख-रखाव करे। अनुभाग का प्रभारी अधिकारी/ब्रान्च अधिकारी यह सुनिश्चित करे कि प्राप्त आवेदन (अपीले) उसी दिन वितरित कर दी जाती है।

3. सूचना का अधिकार अधिनियम की धारा 7 की उप-धारा (8) में यह प्रावधान है कि यदि सूचना के अनुरोध को अस्वीकार किया जाता है तो लोक सूचना अधिकारी अन्य बातों के साथ-साथ अनुरोधकर्ता को, अपीलीय प्राधिकारी का ब्यौरा भी लिखेगा। इस प्रकार जब सूचना के अनुरोध को अस्वीकार किया जाता है तो आवेदक को, अपीलीय प्राधिकारी के बारे में जानकारी दी जाती है। ऐसे मामले हो सकते हैं जब लोक सूचना अधिकारी आवेदन को तो अस्वीकार नहीं करता, लेकिन आवेदक को अधिनियम में विनिर्दिष्ट समय के भीतर निर्णय से अवगत नहीं करता। ऐसा भी हो सकता है कि आवेदक लोक सूचना अधिकारी के निर्णय से व्यथित हो। ऐसे मामलों में आवेदक अपील करने के अधिकार का प्रयोग करना चाह सकता है। लेकिन अपीलीय प्राधिकारी के ब्यौरे के अभाव में, आवेदक को अपील करने में कठिनाई हो सकती है। अतः यह निर्णय लिया गया है कि सभी लोक प्राधिकारी प्रथम अपीलीय प्राधिकारियों को पदनामित करें और लोक सूचना अधिकारियों के ब्यौरे के साथ उनके ब्यौरे भी प्रकाशित करें।

4. सभी मंत्रालयों/विभागों इत्यादि से अनुरोध है कि वे, तदनुसार कार्रवाई करने के लिए सभी संबंधितों को अनुदेश जारी करें।

  
(कृष्ण गोपाल वर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव ।

No.1/14/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated: the 28<sup>th</sup> July, 2008

**OFFICE MEMORANDUM**

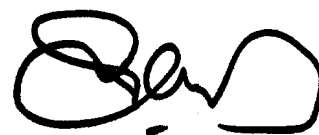
Subject: Clarification regarding Sub-sections (4) and (5) of Section 5 of the Right to Information Act, 2005.

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Sub-sections (4) and (5) of section 5 of the Right to Information Act, 2005 provide that a Public Information Officer (PIO) may seek the assistance of any other officer for proper discharge of his/her duties. The officer, whose assistance is so sought, shall render all assistance to the PIO and shall be treated as a PIO for the purpose of contravention of the provisions of the Act. It has been brought to the notice of this Department that some PIOs, using the above provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed PIO. Thus, they use the above referred provision to designate other officers as PIO.

2. According to the Act, it is the responsibility of the officer who is designated as the PIO by the public authority to provide information to the applicant or reject the application for any reasons specified in sections 8 and 9 of the Act. The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant. The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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 and Pensioners Welfare.

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



No.1/69/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated: the 27<sup>th</sup> February, 2008

**OFFICE MEMORANDUM**

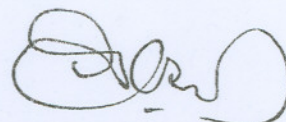
**Subject:** Guidelines for the officers designated as Central Public Information Officer under the Right to Information Act, 2005.

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The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority plays an important role in effective implementation of the provisions of the Right to Information Act, 2005. At the same time, he is liable for penalty in case of default in performance of duties assigned to him by the Act. It is, therefore, crucial for a CPIO to study the Act carefully and understand its provisions correctly. This Department has prepared a 'Guide' which clarifies some of the important aspects of the Act relating to the functions of the CPIOs. The Guide so prepared is enclosed as Annexure.

2. The Act provides that a CPIO may seek the assistance of any other officer for proper discharge of his/her duties. Such other officer would be deemed to be a CPIO and would be liable for contraventions of the provisions of the Act the same way as the CPIO himself. Since the CPIO may seek the assistance of any officer, it is desirable for all the officers to acquire necessary knowledge about the provisions of the Act, which a CPIO should have. The Guide would help them in this task.

3. All Ministries/Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158

To

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 / Planning Commission

3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
- 4.. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the State Public Information Officers (SPIOs). The State Governments may like to issue similar guidelines for the SPIOs.



**A GUIDE FOR THE CENTRAL PUBLIC INFORMATION OFFICERS**

The Right to Information Act, 2005 empowers citizens to get information from any 'public authority'. The Central Public Information Officer (CPIO) of a public authority plays a pivotal role in making the right of a citizen to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a CPIO to study the Act carefully and understand its provisions correctly. Following aspects should particularly be kept in view while dealing with the applications under the Act.

**What is Information**

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

**Right to Information under the Act**

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

4. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

5. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee



or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

8. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

9. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

10. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or



- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Right to Information Vis-a-Vis other Acts**

11. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Rendering Assistance to Applicants**

12. The Central Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is made. If a person seeking information is not able to make such request in writing, the Central Public Information Officer should render reasonable assistance to him to reduce the same in writing.

13. Where access to a record is required to be provided to a sensorily disabled person, the Central Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

### **Assistance Available to CPIO**

14. The Central Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the CPIO, would render all assistance to him. Such an officer shall be deemed to be a Central Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Central Public Information Officer. It would be advisable for the CPIO to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.



### **Suo Motu Disclosure**

15. The Act makes it obligatory for every public authority to make *suo-motu* disclosure in respect of the particulars of its organization, functions, duties and other matters, as provided in section 4 of the Act. The information so published, according to sub-section (4) of section 4, should be easily accessible with the CPIO in electronic format. The CPIO should, therefore, make concerned efforts to ensure that the requirements of the Section 4 are met and maximum information in respect of the public authority is made available on the internet. It would help him in two ways. First, the number of applications under the Act would be reduced and secondly, it would facilitate his work of providing information inasmuch as most of the information would be available to him at one place.

### **Fee for Seeking Information**

16. An applicant, along with his application, is required to send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. He can also make payment of fee by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

17. Additional fee has been prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

18. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.



### Contents and Format of Application

19. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

### Invalid Applications

20. Soon after receiving the application, the CPIO should check whether the applicant has made the payment of application fee of Rs. 10 or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as a valid application under the RTI Act and may be ignored.

### Transfer of Application

21. If the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the CPIO should check whether the subject matter of the application or a part thereof concerns some other public authority. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

22. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

23. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.



24. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

25. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

26. Where a request for information is rejected, the Central Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

27. If additional fee is required to be paid by the applicant as provided in the Right to Information (Regulation of Fee and Cost) Rules, 2005, the Central Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

### **Supply of Part Information by Severance**

28. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is



being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

29. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

30. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CPAIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

31. In case of an application transferred from one public authority to another public authority, as referred to in para 21, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

32. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

33. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table



shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 37 to 41 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

34. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.



### Third Party Information

35. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

36. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

37. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third part has treated the information as confidential.

38. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

39. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

40. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of



the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

41. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

### **Appeals and Complaints**

42. If an applicant is not supplied information within the prescribed time limit, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal can be made within a period of 30 days from the date on which time limit for supply of information expires or the decision of the CPIO is received. The appellate authority of the public authority is expected to dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellate is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

43. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

### **Imposition of Penalty**

44. As pointed out above, an applicant under the Act has a right to appeal to the Central Information Commission and also to make complaint to the Commission. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time



specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Central Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Central Public Information Officer.

#### **Disciplinary Action Against CPIO**

45. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend for disciplinary action against the Central Public Information Officer.

#### **Protection for Work Done in Good Faith**

46. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A CPIO should, however, note that it would be his responsibility to prove that his action was in good faith.

#### **Annual Report of the CIC**

47. The Central Information Commission prepares a report on the implementation of the provisions of the RTI Act every year, which is laid before each House of the Parliament. This report, *inter-alia*, has to include information about the number of requests made to each public authority, the number of decisions where the applicants were not entitled to access to documents requested for, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked, the amount of charges collected by each public authority under the Act. Each Ministry/Department is required to collect such information from all the public authorities under its jurisdiction and send the same to the Commission. The CPIOs should maintain the requisite information in this regard

so that it may be supplied to their administrative Ministry/Department soon after the end of the year, which in turn may supply to the Commission.

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No. 1/4/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training

\*\*\*\*\*

New Delhi, Dated: the 25<sup>th</sup> April , 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the public authorities under the Right to Information Act, 2005.

\*\*\*\*\*

The undersigned is directed to say that the 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 them so as to facilitate the reach of people to information held by them. This Department has prepared a 'Guide' for the public authorities which would help them in discharge of their functions under the Act effectively. A copy of the Guide so prepared is enclosed as Annexure.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all public authorities under them and to ensure that they comply with the requirements of the Act.



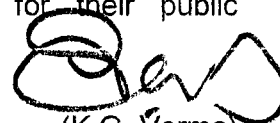
(K.G. Verma)  
Director  
Tel: 23092158

To

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 / Planning Commission
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the public authorities under the State Governments. The State Governments may like to issue similar guidelines for their public authorities.



(K.G. Verma)  
Director

## Guide for the Public Authorities

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Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. As defined in the Act, a "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. Bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

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.

### What is Information

3. Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to



any private body which can be accessed by the public authority under any law for the time being in force.

### **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information

may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

10. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the

following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

### **Timely Supply of Information**

12. The Act requires that except in some special circumstances, decision on an application for information should be given within 30 days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request. If the decision on the request for information is not given within the prescribed period, it is deemed that the request has been refused. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Right to Information Vis-a-Vis other Acts**

13. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any

other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Maintenance and Computerisation of Records**

14. 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.

15. The Public authorities should computerize all its records which are appropriate to be computerized. Records so computerised should be connected through a network on different systems so that access to such records is facilitated.

### **Suo Motu Disclosure**

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

17. 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;

18. 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.

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.

#### **Dissemination of Information**

20. 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**

21. 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**

22. 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 CPIOs etc.**

23. Every public authority is required to designate Public Information Officers in all the administrative units or offices under it. The public authorities should also designate the First Appellate Authorities and publish the details thereof alongwith the details of the Public Information Officers. Every public authority is also required to designate Assistant Public Information Officers at each sub-divisional level. The Government 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.

### **Acceptance of Fee**

24. According to the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended by the Right to Information (Regulation of Fee and Cost) Rules, 2006, an applicant can make payment of fee in cash or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, an officer may be designated as such for the purpose of receiving fee under the RTI Act or rules made thereunder.

### **Transfer of Applications**

25. The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application. The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

### **Compliance with the Orders of the CIC**

26. While deciding an appeal, the Central Information Commission, may require the concerned public authority to take such steps as may be necessary to secure compliance with the provisions of the Act. In this regard the Commission may pass an order to provide information to an applicant in a particular form; appoint a Public Information Officer; publish certain information or categories of information; make necessary changes to its practices in relation to the maintenance, management and destruction of records; enhance the provision of training for its officials; provide an annual report as prepared in compliance with clause (b) of subsection (1) of section 4 of the Act.

27. The Commission has power to pass orders requiring a public authority to compensate the complainant for any loss or other detriment suffered by him. It also has power to impose penalty on the Public Information Officer as provided in the Act. It may be noted that penalty is imposed on the Public Information Officer which is to be paid by him. However, the compensation, ordered by the Commission to be paid to an applicant would have to be paid by the public authority,

28. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are



implemented. If any public authority is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

### **Annual Report of the CIC**

29. The Central Information Commission, after the end of each year, is required to prepare a report on the implementation of the provisions of the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the Central Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

30. Every public authority should send necessary material to its administrative Ministry/Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report.

31. If it appears to the Central Information Commission that a practice of a public authority in relation to the exercise of its functions under the

Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

**Development of Programmes etc.**

32. It is expected of each public authority that it would develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities, as to how to exercise the rights contemplated under the Act; and ensure timely and effective dissemination of accurate information about their activities. Training of the Public Information Officers and other officers of a public authority is very important for meeting these expectations and effective implementation of the provisions of the Act. The public authorities should, therefore, arrange for training of their officers designated as Public Information Officer/First Appellate Authority and other officers who are directly or indirectly involved in the implementation of the provisions of the Act.

New Delhi, the 31<sup>st</sup> July, 2007

**OFFICE MEMORANDUM**

Subject: Preparation of Inventory of Public Authorities under RTI Act, 2005.

The Second Administrative Reforms Commission in its First report has inter-alia made the following recommendations:

- (i) At the Government of India level, the Department of Personnel & Training has been identified as the nodal department for implementation of the RTI Act. This nodal department should have a complete list of all Union Ministries/Departments, which function as public authorities.
- (ii) Each Union Ministry/Department should also have an exhaustive list of all public authorities, which come within its purview. The public authorities coming under each Ministry/Department should be classified into (i) constitutional bodies (ii) line agencies (iii) statutory bodies (iv) public sector undertakings (v) bodies created under executive orders (vi) bodies owned, controlled or substantially financed and (vii) NGOs substantially financed by Government. Within each category an up-to date list of all public authorities has to be maintained.
- (iii) Each public authority should have the details of all public authorities subordinate to it at the immediately next level. This should continue till the last level is reached. All these details should be made available on the websites of the respective public authorities, in a hierarchical form.
- (iv) A similar system should also be adopted by the States.

2. The Government has considered the above recommendations and decided to accept the same. A list of all Union Ministries/Departments has already been posted on the RTI Portal ([www.rti.gov.in](http://www.rti.gov.in)). All the Ministries/Departments are requested to prepare an exhaustive list of all the public authorities under them. These authorities may suitably be classified into attached offices, subordinate

offices, autonomous bodies, public sector undertakings, constitutional bodies, statutory bodies etc. The Ministries/Departments may also prepare the list of NGOs which receive grant from them and fall within the definition of 'public authority'. The lists of public authorities so prepared may be uploaded by the concerned Ministries/Departments on the RTI Portal and kept updated.

3. It is also requested that the Ministries/Departments may issue instructions to all the public authorities under them to take action as per the recommendation of the Administrative Reforms Commission contained in clause (iii) of para 1 above.



(K.G. Verma)  
Director

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs – It is requested that necessary action may be taken to implement the above referred recommendations of the Administrative Reforms Commission in their States/UTs.

संख्या-1/12/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 31 जुलाई, 2007

कार्यालय जापन

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत लोक प्राधिकरणों की सूची तैयार करना।

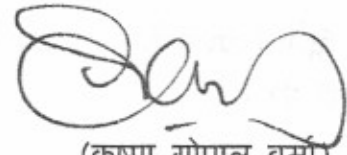
द्वितीय प्रशासनिक सुधार आयोग ने अपनी पहली रिपोर्ट में अन्य बातों के साथ निम्नलिखित सिफारिशों की हैं :-

- (i) भारत सरकार के स्तर पर कार्मिक और प्रशिक्षण विभाग को सूचना का अधिकार अधिनियम के क्रियान्वयन हेतु नोडल विभाग के रूप में मान्यता दी गई है। इस नोडल विभाग के पास उन सभी केन्द्रीय मंत्रालयों/विभागों की पूरी सूची होनी चाहिए जो लोक प्राधिकरणों के रूप में कार्य करते हैं।
- (ii) प्रत्येक केन्द्रीय मंत्रालय/विभाग के पास भी उसके क्षेत्राधिकार में आने वाले सभी लोक प्राधिकरणों की सुविस्तृत सूची होनी चाहिए। प्रत्येक मंत्रालय/विभाग के अंतर्गत आने वाले लोक प्राधिकरणों को इस प्रकार वर्गीकृत किया जा सकता है : (i) संवैधानिक निकाय (ii) लाइन एजेन्सियां (iii) सांविधिक निकाय (iv) सार्वजनिक क्षेत्र के उपक्रम (v) कार्यकारी आदेश के अंतर्गत सृजित निकाय (vi) सरकार के स्वामित्व वाले, सरकार द्वारा नियंत्रित अथवा भरपूर वित्तपोषित निकाय और (vii) सरकार द्वारा भरपूर वित्तपोषित गैर सरकारी संगठन। प्रत्येक श्रेणी के अंदर सभी लोक प्राधिकरणों की अद्यतन सूची रखी जानी है।
- (iii) प्रत्येक लोक प्राधिकरण के पास उसके अधीनस्थ सभी लोक प्राधिकरणों का ब्यौरा होना चाहिए। यह अंतिम स्तर तक जारी रहनी चाहिए। ये सभी ब्यौरे संबंधित लोक प्राधिकरणों की वेबसाइटों पर पदसोपान रूप में उपलब्ध कराए जाने चाहिए।
- (iv) राज्यों द्वारा भी एक ऐसी ही प्रणाली अपनाई जानी चाहिए।

2. सरकार ने उपर्युक्त सिफारिशों पर विचार किया है और इन्हें स्वीकार करने का निर्णय लिया है। सभी केन्द्रीय मंत्रालयों/विभागों की सूची आर.टी.आई. पोर्टल ([www.rti.gov.in](http://www.rti.gov.in)) पर पहले ही डाली जा

2. सरकार ने उपर्युक्त सिफारिशों पर विचार किया है और इन्हें स्वीकार करने का निर्णय लिया है। सभी केन्द्रीय मंत्रालयों/विभागों की सूची आर.टी.आई. पोर्टल ([www.rti.gov.in](http://www.rti.gov.in)) पर पहले ही डाली जा चुकी है। सभी मंत्रालयों/विभागों से उनके अंतर्गत सभी लोक प्राधिकरणों की एक सुविस्तृत सूची तैयार करने का अनुरोध किया जाता है। इन प्राधिकरणों को संबद्ध कार्यालयों, अधीनस्थ कार्यालयों, स्वायत्त निकायों, सार्वजनिक क्षेत्र के उपक्रमों, संवैधानिक निकायों, सांविधिक निकायों इत्यादि में उपयुक्त रूप से वर्गीकृत किया जाए। मंत्रालय/विभाग ऐसे गैर सरकारी संगठनों की भी सूची तैयार करें जिन्हें उनसे अनुदान प्राप्त होता है और जो 'लोक प्राधिकरण' की परिभाषा के भीतर आते हैं। इस प्रकार तैयार की गई लोक प्राधिकरणों की सूचियां संबंधित मंत्रालयों/विभागों द्वारा आर.टी.आई. पोर्टल पर अपलोड की जाएं और अद्यतन रखी जाएं।

3. यह भी अनुरोध किया जाता है कि मंत्रालय/विभाग उपर्युक्त पैरा 1 के खंड (iii) में निहित प्रशासनिक सुधार आयोग की सिफारिश के अनुसार कार्रवाई करने हेतु उनके अंतर्गत सभी लोक प्राधिकरणों को अनुदेश जारी करें।



(कृष्ण गोपाल वर्मा)

निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली।
4. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
5. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव - यह अनुरोध किया जाता है कि उपरोक्तलिखित प्रशासनिक सुधार आयोग की सिफारिशों को अपने राज्यों/संघ राज्य क्षेत्रों में लागू करने के लिए आवश्यक कार्रवाई करें।

No.1/33/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

North Block, New Delhi,  
Dated: the 14<sup>th</sup> November, 2007

**OFFICE MEMORANDUM**

Subject: Updating of Records- Recommendations of the Second Administrative Reforms Commission.

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The undersigned is directed to say that with a view to ensuring proper maintenance of records, the Right to Information Act, 2005, mandates that every public authority shall maintain all its records duly catalogued and indexed in a proper manner. The Second Administrative Reforms Commission, in its First Report (June 2006), 'Right to Information – Master Key to Good Governance', has observed that the weakest link in our information system is the neglect of record keeping. The Commission has recommended that, as a one time measure, the Government of India should earmark 1% of the funds of all Flagship Programmes for a period of five years for updating records, improving infrastructure, creating manuals and establishing the Public Records Offices.

2. The maintenance and updating of records is a continuing process which every public authority is obligated to do. Improving the infrastructure and bringing out the necessary manuals are also continuing processes, and the responsibility of the concerned public authorities. All the public authorities should update their records, improve their infrastructure, bring out necessary manuals from within their resources. They may make specific budgetary provision for the purpose as per their requirement.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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

संख्या-1/33/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

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नॉर्थ ब्लॉक, नई दिल्ली,  
दिनांक: 14 नवम्बर, 2007


कार्यालय जापन

विषय: रिकार्डों को अद्यतन बनाना – द्वितीय प्रशासनिक सुधार आयोग की सिफारिशें।

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि रिकार्डों का समुचित रख-रखाव सुनिश्चित करने के लिए सूचना का अधिकार अधिनियम, 2005 यह अधिदेशित करता है कि प्रत्येक लोक प्राधिकारी अपने सभी रिकार्डों को समुचित रूप से तालिका बद्ध और सारणी बद्ध रूप में रखे। द्वितीय प्रशासनिक सुधार आयोग ने अपनी प्रथम रिपोर्ट (जून, 2006) 'सूचना का अधिकार-सुशासन की मास्टर कुंजी' में यह टिप्पणी की है कि हमारी सूचना प्रणाली में रिकार्ड कीपिंग को नजरन्दाज करना सबसे कमजोर लिंक है। आयोग ने यह सिफारिश की है कि एकबारगी उपाय के रूप में भारत सरकार, रिकार्डों को अद्यतन बनाने, आधारभूत संरचना में सुधार लाने, मैनुअल बनाने और लोक रिकार्ड कार्यालय स्थापित करने के लिए पाँच वर्ष की अवधि के लिए सभी आधारभूत कार्यक्रमों की निधियों का 1% हिस्सा चिह्नित करे।

2. रिकार्डों का रख-रखाव और अद्यतन किया जाना एक सतत प्रक्रिया है जिसका प्रत्येक लोक प्राधिकारी द्वारा निर्वहन किया जाना अपेक्षित है। आधारभूत संरचना में सुधार करना और आवश्यक मैनुअल तैयार करना भी सतत प्रक्रियाएं हैं जो संबंधित लोक प्राधिकारियों की जिम्मेवारी हैं। सभी लोक प्राधिकारियों से अपेक्षा है कि वे अपने संसाधनों से अपने रिकार्डों का अद्यतन करे, उनकी आधारभूत संरचना में सुधार लाए और आवश्यक मैनुअल तैयार करे। वे अपनी आवश्यकतानुसार इस आशय के लिए विशिष्ट बजटीय प्रावधान कर सकते हैं।

3. इस कार्यालय जापन की विषय-वस्तु को सभी संबंधितों के ध्यान में लाया जाए।

  
(कृष्ण गौपाल चर्मा)  
निदेशक

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग//लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग/निर्याचन आयोग।
3. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।
4. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लेक्स, लोदी रोड, नई दिल्ली।
5. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
6. कार्मिक और प्रशिक्षण विभाग तथा पेंशन और पेंशनभोगी कल्याण विभाग के सभी अधिकारी/डेस्क/अनुभाग।

प्रति प्रेषित : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।



disseminating the information, the public authority should take into consideration the cost effectiveness, local language, local communication in the concerned local extent possible, available with the Public Information Officers in the electronic format which could be made as per the prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

No.1/18/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 21<sup>st</sup> September, 2007

**OFFICE MEMORANDUM**

Subject: Maintenance of records and publication of information under the Right to Information Act, 2005.

\*\*\*\*

Section 4 of the Right to Information Act, 2005 sets out a practical regime of transparency in the working of the public authorities by way of disclosure of as much information to the public as possible, suo-motu so that the public may not have to resort to section 6. It is an important part of the Act observance of which is essential for its effective implementation.

2. Clause (a) of sub-section (1) of the section makes it obligatory for every public authority to maintain all its records duly catalogued and indexed. Record management in accordance with this provision is an important step to enable the Public Information Officers to furnish information sought under the Act. The clause also requires the public authority to have its records computerized and connected through a network all over the country. The public authorities are expected to complete the requirements of this clause on top priority.

3. Clause (b) of the sub-section ibid mandates the public authorities to publish the information mentioned therein within one hundred and twenty days from the date of enactment of the Act. It is expected that all public authorities would have complied with this requirement already. If it has not been done, its compliance may be ensured without any further delay. Information so published should also be updated every year as provided in the Act.

4. It is obligatory for all the public authorities under clause (c) of sub section (1) of section 4 of the Act to publish all relevant facts while formulating important policies and announcing decisions affecting the public. They, under clause (d), are also obliged to provide reasons for their administrative or quasi judicial decisions to the affected parties.

5. Section 4 of the Act requires wide dissemination of every information required to be disclosed suo motu in such form and manner which is accessible to the public. Dissemination may be done through notice boards, news papers, public announcements, media broadcasts, the internet or any other means. While



disseminating the information, the public authority should take into consideration the cost effectiveness, local language and the most effective method of communication in the concerned local area. The information should be, to the extent possible, available with the Public Information Officer in the electronic format which could be made available free of cost or at such price as may be prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

6. All the Ministries/Departments etc. are requested to comply with the above referred requirements of the Act and also to issue necessary instructions to the public authorities under them for compliance of the same.



(K.G. Verma)

Director

Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

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



संख्या-1/18/2007-आई.आर.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

कार्मिक और प्रशिक्षण विभाग

नई दिल्ली, दिनांक 21 सितम्बर, 2007

कार्यालय ज्ञापन

**विषय:-सूचना का अधिकार अधिनियम, 2005 के अंतर्गत रिकॉर्ड का रख-रखाव और सूचना का प्रकाशन।**

सूचना का अधिकार अधिनियम, 2005 की धारा 4 में अधिकाधिक सूचना के स्वयं प्रकटीकरण के प्रावधान के माध्यम से लोक प्राधिकारियों के काम-काज में पारदर्शिता की एक व्यावहारिक व्यवस्था निर्धारित की गई है ताकि जनता को धारा 6 का सहारा न लेना पड़े। अधिनियम का यह एक ऐसा महत्वपूर्ण भाग है जिसका अनुपालन, इसके प्रभावी कार्यान्वयन के लिए अनिवार्य है।

2. उपर्युक्त धारा की उपधारा (1) के खंड (क) के अनुसार प्रत्येक लोक प्राधिकारी को अपने सभी रिकॉर्डों को सूचीकृत और अनुक्रमणिका (इन्डेक्स) बना कर रखना बाध्यकर है। इस प्रावधान के अनुसार रिकॉर्ड प्रबंधन, लोक सूचना अधिकारी को अधिनियम के तहत मांगी गई सूचना मुहैया करवाने में सक्षम बनाने हेतु एक महत्वपूर्ण कदम है। इस खंड में लोक प्राधिकारी से यह अपेक्षित है कि वह अपने रिकॉर्डों को कम्प्यूटरीकृत करे और उन्हें देश भर में नेटवर्क के माध्यम से जोड़ दे। लोक प्राधिकारियों से, इस खंड की अपेक्षाओं को उच्चतम वरीयता के आधार पर पूरा करने की प्रत्याशा की जाती है।

3. उपर्युक्त उप धारा के खंड (ख) के अनुसार लोक प्राधिकारियों के लिए यह अधिदेशात्मक है कि वे उसमें उल्लिखित सूचनाओं का प्रकाशन, अधिनियम के लागू होने की तारीख से 120 दिनों के भीतर करवाएं। आशा की जाती है कि सभी लोक प्राधिकारियों द्वारा इस अपेक्षा का अनुपालन पहले ही किया जा चुका होगा। यदि ऐसा नहीं किया गया है तो इसका अनुपालन बिना कोई और विलंब किए सुनिश्चित कर लिया जाए।

4. अधिनियम की धारा 4 की उप धारा (1) के खंड (ग) के अंतर्गत सभी लोक प्राधिकारियों के लिए यह बाध्यकर है कि वे जनता को प्रभावित करने वाली महत्वपूर्ण नीतियां तैयार करते समय और निर्णय घोषित करते समय सभी संगत तथ्यों को प्रकाशित करें। वे खंड (घ) के अनुसार प्रभावित पक्षों को अपने प्रशासनिक अथवा अर्द्ध-न्यायिक निर्णयों के संबंध में कारण बताने के लिए भी बाध्य हैं।



5. अधिनियम की धारा 4 में यह अपेक्षित है कि स्वतः प्रकाशनीय सूचनाओं का व्यापक प्रसार, इस रूप और इस ढंग से किया जाए कि वह जनता तक पहुंच सके। सूचना का प्रसार नोटिस बोर्डों, समाचार पत्रों, सार्वजनिक उद्घोषणाओं, मीडिया प्रसारणों, इंटरनेट अथवा किन्हीं अन्य साधनों/माध्यमों द्वारा किया जा सकता है। सूचना का प्रसार करते समय प्रत्येक लोक प्राधिकारी को संबंधित स्थानीय क्षेत्र में लागत प्रभाव, स्थानीय भाषा और संचार की सर्वाधिक प्रभावी पद्धति को ध्यान में रखना चाहिए। लोक सूचना अधिकारी के पास सूचना, जहां तक संभव हो, इलेक्ट्रॉनिक प्रारूप में उपलब्ध होनी चाहिए जो निःशुल्क अथवा यथा निर्धारित शुल्क पर मुहैया करवाई जा सके। पैरा 3 में उल्लिखित प्रकाशित दस्तावेज की एक प्रति और उपर्युक्त पैरा 4 में उल्लिखित प्रकाशनों की प्रतियां लोक प्राधिकारी के एक अधिकारी के पास रखी जानी चाहिए और इन दस्तावेजों का निरीक्षण करने के इच्छुक किसी भी व्यक्ति द्वारा निरीक्षण के लिए उपलब्ध होनी चाहिए।

6. सभी मंत्रालयों/विभागों से अनुरोध है कि अधिनियम की उपर्युक्त उल्लिखित अपेक्षाओं का अनुपालन करें और अपने अधीनस्थ लोक प्राधिकारियों को उनका अनुपालन करने के संबंध में आवश्यक अनुदेश भी जारी करें।



(कृष्ण गोपाल वर्मा)

निदेशक

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग/लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति का सचिवालय/उप राष्ट्रपति का सचिवालय/प्रधान मंत्री कार्यालय/योजना आयोग/निर्वाचन आयोग।
3. कर्मचारी चयन आयोग, सी.जी.ओ. कॉम्प्लैक्स, नई दिल्ली।
4. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10 बहादुरशाह जफर मार्ग, नई दिल्ली।
5. कार्मिक और प्रशिक्षण विभाग, पेंशन तथा पेंशनभोगी कल्याण विभाग के सभी अधिकारी/अनुभाग।

प्रतिलिपि : सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव।

No. 1/32/2013-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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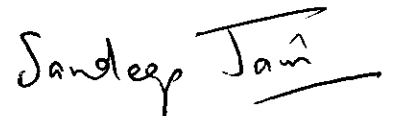
North Block, New Delhi  
Dated: the 28<sup>th</sup> November, 2013

**OFFICE MEMORANDUM**

**Subject:** Guide on the Right to Information Act, 2005 - updated Version.

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Section 26 of the RTI Act requires the Government to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act. Further, it requires the Government to update the guide at regular intervals. Accordingly an updated Guide on the Act is hereby published online which would help all the stake-holders viz. information seekers in getting information, public information officers in dealing with the RTI applications, first appellate authorities in taking cogent decisions on appeals and the public authorities in implementing various provisions of the Act in right earnest.



(SANDEEP JAIN)

Director

Tel: 23092755

# **DISCLAIMER**

Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the Guide and Government orders/ instructions on the subject, the latter will prevail.

Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for a legal interpretation/ evidence. The user will be solely responsible for any consequence of the decision taken on the basis of information contained in this Guide.

**GUIDE ON RIGHT TO INFORMATION**  
**ACT, 2005**

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for the citizens to secure information as a matter of right, the Indian Parliament enacted the Right to Information Act, 2005. This law is very comprehensive and covers almost all matters of governance. This Law has a wide reach, being applicable to Government at all levels- Union, State and Local as well as to the recipients of substantial government funds.

2. The present guide is an updated and consolidated guide for the use of all stakeholders. This guide contains five parts. Part I of the guide discusses some aspects of the Act which all the stake-holders are required to know. Rest of the four parts are specifically relevant to the public authorities, the information seekers, the public information officers and the first appellate authorities respectively.

3. Contents of this guide are specifically relevant in relation to the Central Government but are equally applicable to the State Governments except in relation to rules about payment of fee or deciding of appeals by the Information Commissions. It may be noted that this guide uses the term Public Information Officer in place of Central Public Information Officer/State Public Information Officer. Likewise Assistant Public Information Officer has been used for Central Assistant Public Information Officer/State Assistant Public Information Officer and Information Commission for Central Information Commission/State Information Commission except where it was considered necessary to make specific reference to the Central Public Information Officer/Central Information Commission etc.



# **Part I**

## **FOR ALL STAKEHOLDERS**

### **Object of the Right to Information Act**

4. The basic object of the Right to Information Act is to empower the citizens, to promote transparency and accountability in the working of the Government, to contain corruption, and to enhance people's participation in democratic process thereby making our democracy work for the people in a real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

### **What is Information**

5. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **What is a Public Authority**

6. A "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government are also public authorities. Non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The substantial financing by the Central Government or a State Government may be direct or indirect. The Act does not define substantial financing. Various courts/Information Commissions have been deciding on this issue on case to case basis, depending upon the merits of each case.

## **Public Information Officer**

7. Public authorities have designated some of its officers as Public Information Officers. They are responsible to give information to a person who seeks information under the RTI Act.

## **Assistant Public Information Officer**

8. These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information.

9. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

## **Right to Information under the Act**

10. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act that is available and existing and is held by the public authority or is held under the control of the public authority. The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

11. A citizen has a right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device.

12. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would

disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

13. In some cases, the applicants expect the Public Information Officer to give information in some particular proforma devised by them on the plea that they have a right to get information in the form in which it is sought. It need be noted that the provision in the Act simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or if it is sought in the form of a floppy or in any other electronic mode, it shall be provided in that form, subject to the conditions given in the Act. It does not mean that the PIO shall re-shape the information.

14. Some Information Seekers request the Public Information Officers to cull out information from some document(s) and give such extracted information to them. A citizen has a right to get 'material' from a public authority which is held by or under the control of that public authority. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

### **Right to Information Vis-a-Vis other Acts**

15. The RTI Act has over-riding effect vis-à-vis other laws. It implies that if any of the provisions of the RTI Act are not consistent with any other law for the time being in force including the Official Secrets Act, 1923, the provisions of the RTI Act would have effect.

### **Supply of Information to Associations etc.**

16. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

### **Fee for Seeking Information**

17. A citizen who desires to seek some information from a public authority is required to send, along with the application, a demand draft or a bankers cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the public authority or to the Assistant Public Information Officer, against a proper receipt. The payment of fee to the Central

Ministries/departments can also be made online through internet banking of State Bank of India or through Master/Visa Debit/credit cards.

18. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed by the Right to Information Rules, 2012. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) for each page ( in A-3 or smaller size paper) ;
- (b) actual cost or price of a photocopy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty (Rs.50/-) per diskette or floppy; and
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication.
- (f) so much of postal charges involved in supply of information that exceeds fifty rupees.

19. A citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

20. If the applicant belongs to the below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim as belonging to the below poverty line category. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line category, as the case may be, shall not be a valid application under the Act. It may be pointed out that there is no bar on the public authority to supply information in response to such applications. However, provisions of Act would not apply to such cases.

### **Format of Application**

21. There is no prescribed format of application for seeking information. The application can be made on plain paper. The applicant should mention the address at which the information is required to be sent.

22. The information seeker is not required to give reasons for seeking information.

### **Information Exempted From Disclosure**

23. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interests.

24. The information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) Information, the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

## **Record Retention Schedule and the Act**

25. The Act does not require the public authorities to retain records for indefinite period. The records need be retained as per the record retention schedule applicable to the concerned public authority.

## **Assistance Available to the Applicant**

26. If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance. Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer, shall provide such assistance to the person as may be appropriate for inspection.

## **Time Period for Supply of Information**

27. In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours. Further details in this regard are given in part IV viz. 'For the Public Information Officers.'

## **Appeals**

28. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal

within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

29. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

## **Complaints**

30. If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

## **Third Party Information**

31. Third party in relation to the Act means a person other than the citizen making a request for information. The definition of third party includes a public authority other than the public authority to which the request has been made.

## **Disclosure of Third Party Information**

32. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

33. In regard to a third party information which the third party has treated as confidential, the Public Information Officer should follow the procedure as given in part IV viz. '**FOR PUBLIC INFORMATION OFFICERS**'. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

## **RTI ONLINE**

34. Department of Personnel & Training has launched a web portal namely RTI online with URL [www.rtionline.gov.in](http://www.rtionline.gov.in) for all Central Ministries/Departments. This is a facility for the Indian citizens to file RTI applications and first appeals online to all Central Ministries/Departments. The prescribed RTI fees can also be paid online. Reply to the RTI applications and first appeals received online can also be given online by the respective PIOs/FAAs.

## **Compilation of OMs and notifications on RTI**

35. Department of Personnel and Training has launched an online compilation of its Office Memorandums and Notifications on Right to Information Act, 2005, with topic based search facility. This compilation is available on the website of the Department namely [www.persmin.nic.in](http://www.persmin.nic.in) and is beneficial to all the stake holders.

## **Part II**

# **FOR PUBLIC AUTHORITIES**

Public authorities are the repository of information which the citizens have a right to access 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.

### **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 communication, 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 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.

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

11. 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**

12. 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 right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. All the public authorities should also designate the First Appellate Authorities and publish their particulars alongwith the particulars of the Public Information Officers.

## **Acceptance of Fee**

13. According to the Right to Information Rules, 2012, an applicant can make payment of fee in cash to the public authority or CAPIO or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The payment of fee to the Central Ministries/departments can also be made online through internet banking of State Bank of India or through Master/Visa Debit/credit cards. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, it should designate an officer as such for the purpose of receiving fee under the RTI Act and Rules made thereunder.

## **Compliance of the Orders of the Information Commission**

14. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are implemented. If any public authority or a PIO is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

## **Creation of RTI Cell**

15. Sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. Where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer. The applicants would also face problem in identifying the officer senior in rank to the Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act can be made. Therefore all public authorities with more than one PIO should create a RTI Cell within the organisation to receive all the RTI applications and first appeals and to route them to the concerned PIOs/FAAs. Detailed instructions regarding setting up of RTI Cell, its functions and financial assistance in setting up RTI Cell have been issued by the Department.

## **Transfer of Applications**

16. The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application.

The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

17. If a person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, in such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. However, if the details of public authorities who may have the information sought by the applicant are available with the PIO, such details may also be provided to the applicant.

18. If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

## **Annual Report of the CIC**

19. The Information Commissions, after the end of each year, are required to prepare reports on the implementation of the provisions of the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the concerned Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

20. Every public authority should send necessary material to its administrative Ministry/Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report. For this purpose, a web based software called “RTI Annual Report Information System” is available on the website of CIC namely [www.cic.gov.in](http://www.cic.gov.in) through which public authorities are required to upload requisite reports on quarterly basis. It is important that all public authorities should get themselves registered with CIC for the purpose of this report and also upload their quarterly returns regularly and on time.

21. If it appears to the Information Commission that a practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

## **Part III**

# **FOR INFORMATION SEEKERS**

### **Method of Seeking Information**

A citizen, who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee at the time of submitting the application as prescribed in the RTI Rules, 2012. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through an Assistant Public Information Officer.

### **Application to the concerned Public Authority**

2. The applicant should make application to the Public Information Officer of the concerned public authority. He should make all efforts to ascertain as to which the public authority is concerned with the information. If the information sought by an applicant is related to different PIOs in a Public Authority or is related to different Public authorities, the supply of information is likely to take a lot more time than if the information sought is related to a single PIO in one Public Authority.

3. The applicant should not list out his grievances in the RTI application but should clearly mention which information or record he would like to seek. Further, if the drafting of the application is such that it pin points towards the specific documents required in relation to the information sought, there would be less scope of ambiguity, thereby resulting in less chances of denial of information by the Public Information Officer. For example instead of simply asking why my area is not being cleaned, cleaning schedule of the area should be asked. Similarly, instead of asking when we will get water supply, water supply planning of the area should be asked.

### **Fee for Seeking Information**

4. Along with the application, the applicant should send application fee to the Public Information Officer. In case of Government of India, the prescribed application fee is Rs. 10/- which can be paid through a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority. The payment of fee

can also be made by way of cash to the public authority or to the Assistant Public Information Officer against proper receipt. In case of online applications to Central Ministries/departments, fee can be paid online through internet banking of State Bank of India or through Master/Visa credit/debit cards.

5. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the Public Information Officer. The fee so demanded can be paid the same way as application fee.

6. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim as belonging to the below poverty line category. The application not accompanied by the prescribed application fee or proof of the applicant's belonging to below poverty line category, as the case may be, shall not be a valid application under the Act.

### **Format of Application**

7. There is no prescribed format of application for seeking information. The application can be made on a plain paper. The applicant should mention the address at which the information is required to be sent. The information seeker is not required to give reasons for seeking information.

### **Filing of Appeal**

8. An applicant can file an appeal to the first appellate authority if the information is not supplied to him within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The first appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

9. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

10. The appeal made to the Central Information Commission should contain the following information: -

(i) Name and address of the appellant;

- (ii) Name and address of the Public Information Officer to whom the application was addressed;
- (iii) Name and address of the Public Information Officer who gave reply to the application;
- (iv) Name and address of the First Appellate Authority who decided the first appeal;
- (v) Particulars of the application;
- (vi) Particulars of the order including number, if any, against which the appeal is preferred;
- (vii) Brief facts leading to the appeal;
- (viii) Prayer or relief sought;
- (ix) Grounds for prayer or relief;
- (x) Any other information relevant to the appeal;
- (xi) Verification/authentication by the appellant.

11. The appeal made to the Central Information Commission should be accompanied by the following documents, duly authenticated and verified by the appellant, namely:

- (i) a copy of the application submitted to the CPIO;
- (ii) a copy of the reply received, if any, from the CPIO;
- (iii) a copy of the appeal made to the FAA;
- (iv) a copy of the order received, if any, from the FAA;
- (v) Copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

## **Filing of Complaints**

12. A person can make a complaint to the Information Commission if he is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information.



## **Part IV**

# **FOR PUBLIC INFORMATION OFFICERS**

The Public Information Officer of a public authority plays a pivotal role in making the right of citizens to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a Public Information Officer to study the Act carefully and understand its provisions correctly. Besides the issues discussed elsewhere in this document, a Public Information Officer should keep the following aspects in view while dealing with the applications under the Act.

### **Applications Received Without Fee**

2. Soon after receiving the application, the Public Information Officer should check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) category. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as an application under the RTI Act. It may, however, be noted that the Public Information Officer should consider such an application sympathetically and try to supply information sought by way of such an application.

3. A public authority may designate as many Public Information Officers for it, as it may deem necessary. It is possible that in a public authority with more than one Public Information Officer, an application is received by the Public Information Officer other than the concerned Public Information Officer. In such a case, the Public Information Officer receiving the application should transfer it to the concerned Public Information Officer immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one Public Information Officer to another in the same public authority.

### **Rendering Assistance to Applicants**

4. The RTI Act provides that the Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is made. If a person seeking information is not able to make such request in writing, the Public Information Officer should render reasonable assistance to him to reduce the same in writing.

5. Where access to a record is required to be provided to a sensorily disabled person, the Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

### **Assistance Available to PIO**

6. The Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the Public Information Officer, would render all assistance to him. Such an officer shall be deemed to be a Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Public Information Officer. It would be advisable for the Public Information Officer to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

7. Some Public Information Officers, on the basis of above referred provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed Public Information Officer. Thus, they use the above referred provision to designate other officers as Public Information Officer. According to the Act, it is the responsibility of the officer who is designated as the Public Information Officer by the public authority to provide information to the applicant or reject the application for any reasons specified in Sections 8 and 9 of the Act. The Act enables the Public Information Officer to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as Public Information Officer and direct him to send reply to the applicant. The import of the provision is that, if the officer whose assistance is sought by the Public Information Officer, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the Public Information Officer.

### **Supply of Information**

8. The answering Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

9. Where a request for information is rejected, the Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

10. If additional fee is required to be paid by the applicant as provided in the Fee and Cost Rules, the Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

11. Though there is no hard and fast rule as to when exactly intimation about additional fees is to be given to the applicant, such intimation should be given soon after receipt of RTI application.

## **Supply of Part Information by Severance**

12. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt, and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based.

## **Time Period for Supply of Information**

13. The following table shows the **maximum** time (from the receipt of application) which may be taken to dispose off the applications in different situations:

<b>Sr. No.</b>	<b>Situation</b>	<b>Time limit for disposing off applications</b>
1.	Supply of information in normal course.	30 days
2.	Supply of information if the application is received through APIO.	05 days shall be added to the time period indicated

		at Sr. No. 1
3.	Supply of information if it concerns the life or liberty of a person	48 hours
4.	Transfer of application to other public authority under section 6(3) of the Act	05 days
5.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course  (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
6.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the receipt of such fee by the public authority shall be excluded for calculating the period of reply.
7.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights (after approval of the Central Information Commission)  (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application.  (b) Within 30 days of the receipt of application.

14. If the Public Information Officer fails to give decision on the request for information within the prescribed period, he shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Disclosure of Third Party Information**

15. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information shall not be disclosed unless the competent

authority is satisfied that larger public interest warrants the disclosure of such information.

16. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not. The guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, the Public Information Officer would have to follow the following procedure before disclosing such information.

17. If the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He shall request the third party to make a submission in writing or orally, regarding whether the information may be disclosed. The third party shall be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

18. The Public Information Officer shall make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the Public Information Officer should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

19. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer a second appeal to the Information Commission.

20. If an appeal has been filed by the third party against the decision of the Public Information Officer to disclose the third party information, the information should not be disclosed till the appeal is decided.

### **Imposition of Penalty**

21. An applicant under the Act has a right to appeal to the Information Commission and also to make complaint to the Commission. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished

subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

### **Disciplinary Action Against PIO**

22. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

### **Protection for Work Done in Good Faith**

23. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A Public Information Officer should, however, note that it would be his responsibility to prove that his action was in good faith.

## **Part V**

# **FOR FIRST APPELLATE AUTHORITIES**

The first Appellate Authority has a very important role under the RTI Act, 2005. The independent and judicious examination of appeals by the First Appellate Authorities would lead to higher satisfaction to the appellants. This would, in turn, result in less number of second appeals to the Information Commission.

2. The information sought by an applicant should either be supplied to him by the Public Information Officer or his application should be rejected within the time prescribed under the Act. If additional fee need be charged from the applicant, timely communication in this regard should be sent to him.

### **First Appeal**

3. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the Public Information Officer regarding supply of information or the quantum of fee decided by the Public Information Officer. The applicant may prefer the first appeal within thirty days from the expiry of such period or from the receipt of such a decision of the Public Information Officer.

4. The First Appellate Authority may admit the appeal after expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

5. A third party can also prefer an appeal to the First Appellate Authority against the order of the Public Information Officer to disclose third party information. Such an appeal shall be made within thirty days from the date of the order.

### **Disposal of Appeal**

6. While disposing off first appeals, the first Appellate Authorities should act in a fair and judicious manner. It is very important that the order passed by the first appellate authority should be a detailed and speaking order, giving justification for the decision arrived at.

7. If an appellate authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the

Public Information Officer, he may either (i) pass an order directing the Public Information Officer to give such information to the appellant; or (ii) he himself may give information to the appellant. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

8. If, in any case, the Public Information Officer does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the Public Information Officer. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

### **Time limit for disposal of appeal**

9. The first appellate authority should dispose off the appeal within 30 days of receipt of the appeal. In some exceptional cases, the Appellate Authority may take 45 days for its disposal. However, in such cases, the Appellate Authority should record, in writing, the reasons for not deciding the appeal within 30 days.



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

North Block, New Delhi  
Dated the 15<sup>th</sup> April, 2013

**OFFICE MEMORANDUM**

**Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:**

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, 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. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
  - i. *Suo motu* disclosure of more items under Section 4.
  - ii. Guidelines for digital publication of proactive disclosure under Section 4.
  - iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
  - iv. Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that 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 and 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.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

*Manoj Joshi*

(Manoj Joshi)  
Joint Secretary  
Tele : 23093668

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, Planning Commission, Election Commission.
3. Central Information Commission.
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

### INDEX

<b>S. No.</b>	<b>Chapter</b>	<b>Page No.</b>
<b>1</b>	<i>Suo motu</i> disclosure of more items under Section 4	<b>1</b>
<b>2</b>	Guidelines for digital publication of proactive disclosure under Section 4	<b>4</b>
<b>3</b>	Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective	<b>7</b>
<b>4</b>	Compliance with provisions of <i>suo motu</i> disclosure	<b>12</b>

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

### **1.0 *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:

#### **1.1 Information related to Procurement**

1.1.1 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 30<sup>th</sup> November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30<sup>th</sup> 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.

#### **1.2 Public Private Partnerships**

1.2.1 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.

### **1.3 Transfer Policy and Transfer Orders**

1.3.1 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.

### **1.4 RTI Applications**

1.4.1 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.

### **1.5 CAG & PAC paras**

1.5.1 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.

### **1.6 Citizens Charter**

1.6.1 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.

## **1.7 Discretionary and Non-discretionary grants**

1.7.1 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.

## **1.8 Foreign Tours of PM/Ministers**

1.8.1 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.

1.8.2 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 1<sup>st</sup> 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.

3.3.2 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.

3.3.3 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.

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

3.4.1 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.

3.4.2 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.

3.4.3 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).

**3.5 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”.**

3.5.1 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.**

3.6.1 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.

3.6.2 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 DoPT and 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. 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.

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