

22

MOST URGENT/RTI MATTER
OUT TODAY

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
(LABOUR DEPARTMENT)
5- SHAM NATH MARG, DELHI-54.

No.F.1/31/516/LC/Estt/08/ PtF./

Dated:

CIRCULAR

Please find enclosed herewith a copy of instructions regarding "Implementation of Section 4 of RTI Act- Directions to Public Authorities u/s 19(8)(a) of RTI Act, 2005" and Roles of Public Information Officer and Transparency Officer, Level and Job Chart of Transparency Officer" received from Administrative Reforms Department vide their letter No. F.13/6/10-AR/13116-13275/C dated 16/12/2010 for information and necessary action at your end.


(BIJANDRA SINGH)
SPIO(HQ)

Encl: As above.

No.F.1/31/516/LC/Estt/08/PtF./ 5170

Dated: 22/01/11

Copy to:

1. PS to Labour Commissioner, 5, Sham Nath Marg, Delhi-54, for information.
2. PA to Special Commissioner (Labour), 5, Sham Nath Marg, Delhi-54, for information.
3. JLC(Admn.), 5, Sham Nath Marg, Delhi-54, for information.
4. JLC (HQ-I) & JLC (HQ-II), 5, Sham Nath Marg, Delhi-54, for information.
5. All DLCs/Branch Incharges of Labour Deptt, GNCT of Delhi.
6. All SPIOs/ASPIOs of Labour Deptt, GNCT of Dlehi.
7. Asstt. Programmer of Planning Branch, Labour Deptt, 5, Sham Nath Marg, Delhi-54, for information – with the request to upload the above circular on the website of the Labour Department.
8. Guard File.


(BIJANDRA SINGH)
SPIO(HQ)

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ADMINISTRATIVE REFORMS DEPARTMENT
7TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-02**

No. F.13/01/2011-AR/ 425-584/c

Dated: 12.1.11

ORDER

Please find enclosed a copy of D.O. letter dated 5th January, 2011 of Shri Shailesh Gandhi, Information Commissioner, Central Information Commission, wherein it has been pointed out that one hundred forty one departments/organisations of GNCT of Delhi have not updated their websites with respect to suo moto disclosures mandated by section 4(1)(b) of the Right to Information Act. Further 17 manuals have also not been updated on Delhi Government's website. These manuals have to be compulsorily updated by each department/organisation each year as per the section 4(1)(b) of the Right to Information Act, 2005.

2. The Commission has taken a serious note of non-compliance of these provisions & directions issued by them vide letter dated 6th August 2009 and have directed that, if officers do not comply with these directions the Commission would be constrained to use its punitive directions under section 20(1) & (2) of Right to Information Act 2005.

3. All the Heads of Departments/organisations are accordingly directed to comply with the directions of the Commission by 5th February 2011 and send a compliance report to the commission on their email address rtimonitoring@gmail.com.

4. A copy of the compliance report may also be sent to AR Department by 5th February 2011, so that a consolidated report can be sent to CIC by 10th February 2011 by AR Department.

Arvind Ray
(ARVIND RAY)
Principal Secretary (AR)

The Labour Commissioner
**All the Heads of Departments/Organisation
(As per list enclosed)**

No. F.13/01/2011-AR/ 425-584/c

Dated: 12.1.11

1. Copy for information to Shri Shailesh Gandhi, Information Commissioner, Central Information Commission, Club Building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi-110067.

2. Copy to all other departments with the direction that they should also comply with the above directions of CIC, if not done already.

Arvind Ray
(ARVIND RAY)
Principal Secretary (AR)
Ph. 23392240

A412/c
17/01/11

207/Spl. Comm.
18/1/11

159/AR/Comm.
19/1/11

Spl. Comm. (Lab.)
SPIO (Lab.)
18/1/11
20/1/11

19/1/11
Arvind

शैलेश गांधी
सूचना आयुक्त
shailesh gandhi
Information Commissioner

Office of the Information Commissioner
Govt. of National Capital Territory of Delhi



सत्यमेव जयते

केन्द्रीय सूचना आयोग
क्लब बिल्डिंग (बेर सराय मार्केट के सामने)
पुराना जे. एन. यू. कैम्पस, नई दिल्ली - 110067
CENTRAL INFORMATION COMMISSION
CLUB BUILDING (OPPOSITE BER SARAI MARKET)
OLD J. N. U. CAMPUS, NEW DELHI-110067
D.O. No. ICSG/2011/1 (SEC-4)

5th January 2011

5 JAN 2011

9/11/82

Mr. Rakesh Mehta
Chief Secretary,
Govt. of National Capital Territory of Delhi,
Delhi Sachivalaya, Delhi 110002

Sub: Non compliance of Section (4) of the RTI Act, 2005.

Dear Mr. Mehta,

The section (4) monitoring team has brought to the notice of the Commission that one hundred and forty one (141) departments of the Government of N.C.T of Delhi have not updated their websites with respect to *suo moto* disclosures mandated by section 4 (1) (b) of the RTI act 2005. The names of the departments are appended below. The Commission understands that the Department of Administrative Reforms maintains a centrally managed RTI link available on the Govt. of Delhi's website i.e. www.delhigovt.nic.in, and all departments have been issued login details so as to enable them to independently update their respective manuals; however this is clearly not being followed. These manuals have to be compulsorily updated each year as per the said section. It is disheartening to note that these departments have not complied with the provisions of the act even after five years of its coming into effect, thereby expressing their refusal to abide by the law so enacted. Disclosures in accordance with Section 4, RTI Act are crucial to ensure transparency and accountability in institutions. This would reduce the load of RTI Applications being filed with each institution as information would be freely available to citizens and they would not have to apply for it.

The Commission had issued a direction in this regard vide letter dated 6th August 2009, however the Commission fails to understand as to why these departments have not complied with them till date. The Commission is acting under the powers vested in it under section 19 (8) (a) of the RTI act, 2005. If officers do not comply with these directions the Commission would be constrained to use its punitive powers under section 20 (1) and (2) of the RTI act.

You are hereby directed to ensure that the departments mentioned in the list appended below fulfill their obligations under section (4) of the RTI act by the 5th of February 2011. You are further directed to send a consolidated report of the compliance of the said directions positively by 10th February 2011, the report may be sent to rtimonitoring@gmail.com

AR (AR)
The
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5/1/11

Shailish Gandhi
Shailesh Gandhi
Information Commissioner



Encl: Direction dated 6/08/2009

Pr Secy AR

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URGENT
BAND
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7/1/11
RA(B)

URGENT UP

शैलेश गांधी
सूचना आयुक्त
shailesh gandhi
Information Commissioner



केन्द्रीय सूचना आयोग
क्लब बिल्डिंग (बेर सराय मार्किट के सामने)
पुराना जे. एन. यू. कैम्पस, नई दिल्ली - 110067
CENTRAL INFORMATION COMMISSION
CLUB BUILDING (OPPOSITE BER SARAI MARKET)
OLD J. N. U. CAMPUS, NEW DELHI-110067

131/c

Office of the Chief Secretary
Govt. of N.C.T. Delhi
13 AUG 2009

Delhi Sachivalaya
Red Pt.
Govt. of N.C.T. of Delhi
12 AUG 2009
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Dairy No. D

6 August 2009

To
The Chief Secretary
Govt. of NCT of Delhi
Delhi Sachivalaya, J.P. Estate
New Delhi 110002

Sub: Section 4 compliance in departments of the GNCTD

Dear Mr. Rakesh Mehta,

Ever since its inception in 2005, the Right to Information Act has been a harbinger of considerable change in the way our Democracy functions. The hallmark of any well-functioning democracy is greater transparency in its working. However, the level of transparency that the RTI Act seeks to bring about will only be attained with a proper implementation of the provisions of Section 4 of the Act.

The benefits of proper implementation of the provisions of Section 4 are numerous. Most importantly, it is inextricably linked to the decrease in the number of RTI Applications made to a particular Public Authority and consequently, it will reduce the pressure faced by a Public Information Officer.

Over the years, the Govt. of NCT of Delhi and the Public Authorities under it has been the subject matter of various RTI applications; many of which could have been avoided if there had been better implementation of the provisions of Section 4 of the Act. Section 4 of the Act requires *suo moto* disclosures to be made by each Public Authority with regard to its working. The requirements of Section 4 are mandatory and the information has to be made published and updated on a regular basis. A copy of Section 4 of the RTI Act is enclosed with this letter for your reference.

A perusal of the websites of some of the public authorities reveals that the information that should be disclosed under Section 4 has either not been made available, or the extent to which it has been made available, it has not been updated. It has also been seen that in some cases the information on the website is not uploaded to a place which is easily accessible. In six to eight weeks a network of persons will be set up which, in collaboration with the Commission, will monitor websites of each public authority to ensure strict compliance with Section 4 obligations.

u/gah
A/S
18/8/09
RA/18/8/09

Sery (AR)

3083/AR
18/8/09

TEL.: 91-11-26161796

FAX : 91-11-26162662

e-mail: shaileshgandhi@nic.in

Website: <http://www.cic.gov.in>

120/c

You are hereby directed to ensure that departments of the GNCTD fulfil their obligations under Section 4 and compliance report must be submitted by each Public Authority by **15 October 2009**. The Report must include:

1. Measures taken to fulfil disclosure obligations under Section 4 including making information available on official websites as well as hard copies of the information at the main offices of the Public Authority.
2. Measures put in place to ensure regular updating of the information uploaded on the websites and made available at the offices.

Further, each Public Authority under the GNCTD must inform the Commission the name and contact information of one point person who may be contacted with regard to Section 4 compliance issues by the Commission. This information must be sent to the Commission by **15 September 2009**.

To ensure proper monitoring under Section 25 of the Act, each Public Authority under the GNCTD must fill in the enclosed form with respect to RTI Applications received by it and action taken on those Applications. This form must be submitted to the Commission by the 10th of every month by email at rtimonitoring@gmail.com.

I look forward to your continued cooperation to make sure that the RTI Act is implemented in its full spirit in all Public Authorities under the GNCTD. The Right to Information is a fundamental right as well as statutory right and Public Authorities must work towards facilitating the full enjoyment of this right.

Thanking you,



Shallesh Gandhi
Information Commissioner

Enclosed: Section 4, Right to Information Act, 2005
Form for Monitoring under Section 25, Right to Information Act, 2005