

MOST IMMEDIATE  
RTI MATTER 37/c

Delhi Sachivalaya  
R & I Br.  
Govt. of N.C.T. of Delhi  
11 JAN 2012  
GAD/12/1039  
Dairy No. B

F.No.15039/3/07-Plg.Cell  
Government of India  
Ministry of Home Affairs  
Office of the Chief Secretary  
Govt. of NCT of Delhi

New Delhi, the 5<sup>th</sup> January, 2012

3 JAN 2012

- |   |   |
|---|---|
| 1. The Chief Secretary,<br>Govt. of NCT of Delhi<br>Delhi Sachivalaya,<br>I.P. Estate, New Delhi-110002.    | 2. The Chief Secretary,<br>Government of A&N Islands,<br>Port Blair   |
| 3. The Chief Secretary,<br>Government of Puducherry,<br>Puducherry.   | 4. The Adviser to the Administrator,<br>UT Chandigarh,<br>Chandigarh. |
| 5. The Administrator,<br>UTs of Daman & Diu and<br>Dadra & Nagar Haveli,<br>Secretariat Silvassa, Silvassa. | 6. The Administrator,<br>UT of Lakshadweep,<br>Kavaratti.             |
- The Commissioner of Police, Delhi  
Delhi Police Headquarters,  
I.P.Estate, New Delhi

**Sub.: Implementation of Section 4 of RTI Act, 2005- Report of the Task Force constituted for effective thereof.**

Sirs,

I am directed to forward herewith a copy of OM No.1/6/2011-IR dated 24.11.2011 received from D/o Personnel & Training along with a copy of the report of the Task Force constituted for effective implementation of the Section 4 of RTI Act, 2005.

2. It is requested that the comments on the Report of the Task Force in respect of your respective UTs may kindly be sent to this Ministry on the priority basis for onward transmission to D/o Personnel & Training. This may please be treated as Most Urgent.

Yours faithfully,

*(Signature)*  
(S.B.Doval)

Under Secretary to the Govt. of India  
Tel.: 23092570.

*MO*  
*16/1/12*  
*Adv (AR)*

*P.S. Secy (AR)*

*13/1*

*149/AR*  
*16/01/12*

*US(ANL)/US(CPD)/US(DP)/US(UTS-I)/US(UTL)/SO(UTS-II)/SO(D-II)*  
*SO(D-I)/SO(NC)*

*Bhargava (IA)*  
*12/1/12*

RTI MATTER/TIME-BOUND

No.A-43020/81/2011-RTI

Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

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New Delhi, Dated the 30<sup>th</sup> December, 2011.

OFFICE MEMORANDUM

3 JAN 2012

Subject : Implementation of Section 4 of RTI Act, 2005 – Report of the Task Force constituted for effective.


The undersigned is directed to forward herewith a copy of DOPT O.M. No.1/6/2011-IR dated 24.11.2011 wherein they have forwarded a copy of the report of the Task Force constituted for effective implementation of the Section 4 of RTI Act, 2005. The Task Force included representatives of civil society organizations active in the field of Right to Information. The terms of reference of the for the Task Force were as under :

- (a) To examine the provisions of Section 4(1) (b) and to recommend guidelines for disclosures to be made at various levels of administration;
- (b) To recommend oether items which may be included for suo motu disclosure, as provided in Section 4(1)(b)(xvii);
- (c) To explore the possibility of prescribing simple templates for disclosing specific category of information in order to facilitate disclosure;
- (d) To recommend mediums through which such disclosure is to be made at various levels, which would include disclosure through electronic means also ;
- (e) To recommend guidelines for complying with the provisions under Section 4(1)(b)(vii), Section 4(1)(c) and Section 4(1)(d);
- (f) To give recommendations as to how compliance with the provisions of Section 4(1) (b), (c) (d) and Section 4(4) may be better enforced ;
- (g) To recommend measures for protection of persons seeking information under the RTI Act; and
- (h) Any other issue incidental to the above.

2. DOPT has requested for forwarding them the comments on the report of the Task Force to enable them to finalise the guidelines to be issued in the matter.

3. It is requested the your comments on the report of the Task Force may please be forwarded to RTI Section as early as possible so that the same could be further sent to DOPT. This may please be treated as most urgent.

As above

  
(Amarendra Singh)  
Under Secretary to the Government of India

To  
All Appellate Authorities/CPIOs in the Ministry of Home Affairs/Deptt. Of  
Official Language and Department of Justice.  
(As per List Attached)

RTI (1) DSAAC  
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F No.1/6/2011-IR  
Government of India  
Ministry of Personnel Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi-1  
Dated: 24.11.2011

Office Memorandum

Subject: Implementation of Section 4 of RTI Act, 2005 – Report of the Task Force constituted for effective implementation thereof

The undersigned is directed to say that Section 4 of the RTI Act mandates that Public Authorities would proactively or in suo motu manner disclose information under various headings listed in Section 4(1)(b) to the public and regularly update this information. The purpose is to encourage large amount of information to be kept in public domain on a suo motu basis which will not only make functioning of the public authorities more transparent but would also reduce or lessen the need for filing individual RTI applications for seeking such information.

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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, still the quality and quantity of proactive disclosures are not up to the desired level. Central as well as State Information Commissions have also highlighted this issue.

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3. The issue has engaged the attention of the Government of India also and 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. It was also felt that there is need to further review Section 4(1)(b) to examine if any more items need to be prescribed for proactive disclosure as laid down in Section 4(1)(b)(xvii). Further, it was felt that there is need to set up a compliance mechanism to ensure that requirement of Section 4 disclosures are fully met.

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4. In view of the above, Task Force was set up by Department of Personnel & Training(DOPT), Government of India, in May 2011, which also included representatives of civil society organizations active in the field of Right to Information, with following terms of reference:

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- (a) To examine the provisions of Section 4(1)(b) and to recommend guidelines for disclosures to be made at various levels of administration;
- (b) To recommend other items which may be included for suo motu disclosure, as provided in Section 4(1)(b)(xvii);

- (c) To explore the possibility of prescribing simple templates for disclosing specific category of information in order to facilitate disclosure;
- (d) To recommend mediums through which such disclosure is to be made at various levels, which would include disclosure through electronic means also;
- (e) To recommend guidelines for complying with the provisions under Section 4(1)(b)(vii) and Section 4(1)(c) and Section 4(1)(d);
- (f) To give recommendations as to how compliance with the provisions of Section 4(1)(b), (c), (d) and Sections 4(4) may be better enforced;
- (g) To recommend measures for protection of persons seeking information under the RTI Act;
- (h) Any other issue incidental to the above.

5. The Task Force has submitted its report, a copy of which is enclosed with the request that comments on the same may kindly be sent to this Department within a week to enable this Department to finalise guidelines to be issued in the matter.

*Sarita Nair*

(Sarita Nair)  
Under Secretary to the Govt of India  
Tel:230940401

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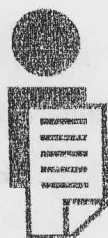
The Secretaries of all the Ministries/Departments of Govt of India

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2011

# Report of the Task Force on Suo Motu Disclosures under the RTI Act



RIGHT TO  
INFORMATION

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## Chapter 1

### Introduction

1.1 Section 4 of the RTI Act mandates that Public Authorities would proactively or in suo motu manner disclose information under various headings listed in Section 4(1)(b) to the public and regularly update this information. The purpose is to encourage large amount of information to be kept in public domain on a suo motu basis which will not only make functioning of the public authorities more transparent but would also reduce or lessen the need for filing individual RTI applications for seeking such information.

1.2 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, still the quality and quantity of proactive disclosures are not up to the desired level. Central as well as State Information Commissions have also highlighted this issue.

1.3 The issue has engaged the attention of the Government of India also and 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. It was also felt that there is need to further review Section 4(1)(b) to examine if any more items need to be prescribed for proactive disclosure as laid down in Section 4(1)(b)(xvii). Further, it was felt that there is need to set up a compliance mechanism to ensure that requirements of Section 4 disclosures are fully met.

### Constitution of the Task Force

1.4 In view of the above, a Task Force was set up by Department of Personnel and Training (DoPT), Government of India, in May 2011, which also included representatives of civil society organizations active in the field of Right to Information, with following terms of reference:

- (a) To examine the provisions of Section 4(1)(b) and to recommend guidelines for disclosures to be made at various levels of administration;
- (b) To recommend other items which may be included for suo motu disclosure, as provided in Section 4(1)(b)(xvii);



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- (c) To explore the possibility of prescribing simple templates for disclosing specific category of information in order to facilitate disclosure;
- (d) To recommend mediums through which such disclosure is to be made at various levels, which would include disclosure through electronic means also;
- (e) To recommend guidelines for complying with the provisions under Section 4(1)(b)(vii) and Section 4(1)(c) and Section 4(1)(d);
- (f) To give recommendations as to how compliance with the provision of Section 4 (1) (b), (c) (d) and Sections 4 (2) to 4 (4) may be better enforced;
- (g) To recommend measures for protection of persons seeking information under the RTI Act;
- (h) Any other issue incidental to the above.

1.5 Government Order setting up of the Task Force is at **Annexure 1.1**. The names of members of the task force are at **Annexure 1.2**.

**Meetings of the Task Force**

1.6 The first meeting of the Task Force was held on 25<sup>th</sup> May 2011, where detailed discussions were held regarding the purpose of the constitution of Task Force and also the issues that need to be addressed. The minutes of the meeting are enclosed as **Annexure 1.3**. Members agreed that there was need for clarifying certain provisions of Section 4(1)(b) and also for laying down detailed guidelines in respect of certain specific provisions. It was also agreed that it may not be possible for Public Authorities at different levels of administration to display the same information. Rather, it would be useful to detail what information would be disclosed at different levels of administration so that provisions of the Act can be better complied with. For example, in the case of Public Distribution System the disclosures at the state, district and up to the fair price shop are likely to be different and this needs to be spelt out.

1.7 After detailed discussions, it was felt that on many of the issues wider consultations may be required to ensure that Task Force is better informed and also that good practices being adopted in various regions of the country may also be incorporated in its recommendations. Accordingly, it was decided to form five sub-groups to deliberate on specific themes pertaining to the terms of

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reference. Each of these sub-groups was expected to consult with informed persons in the relevant area and to prepare a set of recommendations which were to be discussed by the larger group. This is detailed in the minutes of the meeting referred to above.

1.8 The sub-groups met separately to deliberate on the issues. Later, a national consultation was organized in Delhi where civil society members from various fields were also invited to deliberate on the specific themes allocated to each sub-group. A Report on the deliberations made in the workshop and recommendations of various sub-groups is enclosed at **Annexure 1.4**.

### Recommendations of the Task Force

1.9 The Task Force met on 19.08.2011 to deliberate and to finalize its recommendations. The Report of the national consultation was discussed during the workshop and after detailed discussions, recommendations of the Task Force were finalized. Detailed recommendations on various terms that were referred are contained in subsequent chapters. However, following apply to all recommendations:

- ✓ (a) The Task Force recommends that proactive disclosures should be done in 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 4(1)(b), disclosures should be made in as many mediums as feasible and disclosures should be kept up to date.
- ✓ (b) The Task Force recognizes that while large number of recommendations can be taken up for implementation immediately, there are many recommendations whose implementation may require setting up of infrastructure, etc. These have been included in the report as aspirational recommendations with the hope that government will take early steps to set up the requisite infrastructure so that these recommendations may also become a reality, may be over an extended timeframe. *Such recommendations have been italicized.*
- ✓ (c) The Task Force takes note of the fact that as per the scheme of the Act state governments are not accountable to central government for implementation of the RTI Act. As such, although many of the recommendations need to be implemented at the state government level, they can only be circulated to state governments as recommendations rather than enforceable directions.

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(d) The Task Force has given detailed policy recommendations on various items included in the Terms of Reference. However, in order to ensure that these recommendations are implemented effectively, DOPT would need to elaborate on many of these recommendations in the form of clear cut guidelines keeping the general policy recommendation in view.

1.10 Recommendations on different issues covered by the Terms of Reference are given in subsequent chapters.

## Chapter 2

### Prescribing additional items for suo motu disclosure under Section 4(1)(b)(xvii)

2.1 Section 4(1)(b)(xvii) lays down that government may prescribe any additional item which should also be included for suo motu disclosure. So far, no additional items have been prescribed by central government. The Task Force reviewed the list of items and recommends that following items should be included for disclosure under the Suo motu Disclosure Scheme of Section 4(1)(b) by framing of suitable rules in this regard. State Governments would be urged to frame similar rules for their public authorities.

#### All procurement related information

2.1.1 All information relating to procurement made by public authorities beginning with the publication of notice/tender and up to the stage of final purchase order detailing the name of the supplier of goods/services being procured and the rate at which such procurement is to be done should be disclosed. Government may fix different limits of procurements for different levels of public authority for which this disclosure is to be made.

#### Public Private Partnerships

2.1.2 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. This may include details of the special purpose vehicle, if any set up, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government 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.

#### Transfer Policy and Transfer Orders

2.1.3 Transfer policy for different grades/cadres of employees serving in public authority should be proactively disclosed. All transfer orders may be publicized through the website or in any other manner listed in Section 4(4) of the Act. Where a transfer is effected without adhering to the norms laid down in the transfer policy or cases where an employee has not been transferred even though he/she has completed maximum tenure specified for that position this information should also be disclosed.

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### Sensitive Posts

2.1.4 The Central Vigilance Commission had issued a circular in 1999 requiring all ministries, departments and public sector undertakings under the Government of India to identify sensitive posts where public dealing exists and there is potential for corruption. However, the sensitive posts themselves have not been advertised in the public domain. Public Authorities should proactively disclose posts identified as sensitive and details of the officers/officials occupying those posts including the date since when they are holding the posts.

### RTI Queries

2.1.5 All public authorities should proactively disclose RTI queries and appeals received and their responses, on the websites maintained by public authorities. ✓

### CAG & PAC paras

2.1.6 Public authorities should proactively disclose the CAG paras framed in regard to their Ministry/Department and the response of the Ministry/Department to those paragraphs. In addition, a tabular statement should be given regarding pendency of CAG paras.

### Citizens Charter

2.1.7 Citizens Charter prepared by the Ministry/Department 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.

### Discretionary and Non-discretionary grants

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

2.2 Department of Personnel & Training, which is responsible for implementation of RTI Act in Government of India, may prepare suitable format/templates for disclosure of the above information.

### Chapter 3

## Guidelines for facilitating disclosure at different levels of government – Suggested templates for key areas

3.1 The scheme of Section 4 applies uniformly to all public authorities even though they may be constituted at different levels. It is felt that at different levels of administration different level of detailing is required and if that could be facilitated by 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 group identified four areas 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, Task Force recommends that similar templates need to be worked out for other important areas such as health services, services relating to social benefits, etc.

### Templates for Information Disclosure

3.2 The templates of information disclosure at various levels of service delivery in relation to the above four areas are enclosed at the end of the Report as a separate section. The general principles which should be adopted for disclosure at various levels, as recommended by the Task Force are given below:

#### Use of Information boards/walls

3.2.1 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 the internet in India, information disclosures, as far as practically possible, must also be done locally in a form and manner that is easily accessible to people. 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.

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

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

### RTI Proactive Disclosure File

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

### Use of SMS telephony

3.2.4 *The vast proliferation of mobile phones across India, including in villages, makes it one of the best forms of reaching out information to people. Mobile phones can be used to communicate information and to provide a mechanism for citizens to seek specific information through SMS. Many services now have the provision wherein a citizen may SMS a query to a number and get detailed and real-time information in response. People should be able to track applications/complaints through SMS. Beneficiaries should be able to track their entitlements via SMS. Disseminating information through SMS is also a cost-effective medium. Several states use this medium in an extremely innovative manner. For example- in Chhatisgarh, all the ration cardholders of an area are sent an SMS when the truck carrying their entitlements is dispatched from the godown. The use of SMS for proactive disclosure may be replicated by public authorities all over India.*

### Call centers / IVR / Information helpline

3.2.5 *State-Level toll free helpline which should provide information to people on all major public services may be set up. Information on all aspects of the schemes/programs of major departments should be provided through this line and people should be able to track their entitlements/applications in real-time through the helpline. The helpline could also be used for registering grievances of citizens.*

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### Information Centers at the block level

3.2.6 *Information and facilitation centers should be set up at the Block level to proactively provide information to citizens about the schemes and programs of the government. These centers should also assist citizens track their applications and entitlements and register grievances. There is a provision for such centers under MGNREGA and the proposed National Food Security Act. Block level facilitation centres have already been set up in several states, for example, Common Service Centres and Rajiv Gandhi Sewa Kendra and these could be used for dissemination of information.*

### Records for inspection by community

3.2.7 *All Schools and local bodies which have maximum interface with citizens may make available records for inspection by community wherever possible. For example, in Delhi all records and documents related to budget expenditure up to date details of scholarships and incentives awarded and other relevant registers in schools are made available for inspection for public on the last working day of the month.*

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

3.3 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 Gramsabha. Example - Yakubbbhai Kothariya works as a Gram Panchayat Secretary and a PIO in Gujarat. Even before the RTI Act was in place, Yakubbbhai was fond of using folk lyrics as a medium of disseminating information. In his Gram Sabha, he talks about various scheme by connecting it with incidents in the village and sings a folk song marking the specific characteristics of a scheme. His Gram Sabhas are frequented by large numbers of residents on a regular basis.
- Disseminate information about schemes and programmes by setting up a desk whilst organizing the 'Village Mela (fair)' or any Folk Fair that is conducted in the region. This can also be done in collaboration with village youth mandal, or SHG or any Community bases organization.
- Organization of "Information Mela (fair)" at the village school on important days like Independence Day, Republic Day". This works very effectively in the villages, and people feel connected with village school.



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- Community radio can become another media of dissemination of info. This proves very effective.
  - In Panchmahal district, Gujarat, during the RTI campaign for pro-active disclosures it was observed that the multi-media vehicle used for dissemination of information was widely accepted. The pamphlets, guidelines of various schemes, including forms were disseminated by "**RTI on Wheels**" a multimedia vehicle. The films and case stories of use of information for achieving transparency in governance were screened.
  - In Goa, it's a regular practice that details of the gramsabha are reported in local newspapers.
  - Other media like street plays, puppet shows can also be used for information dissemination.
  - If there are any specific programmes or schemes meant specifically for the region or village then in such cases, pro-active disclosure should be prepared in the form of charts giving details of such schemes/programme.

## Chapter 4

### Guidelines for Digital Publication of proactive disclosures under Section 4

4.1 Internet has become a powerful medium for quick, easy and widespread dissemination of information. It will assume even more importance in the future as more and more documents are generated in digital format. Although, Section 4 correctly lays down that information should be provided through many mediums depending upon the level of public authority and the recipient of information (for example, in case of Panchayat wall painting may be more effective means of dissemination of information), the Task Force recognizes that more and more proactive disclosure would gradually be made through Internet. As such, there is need for more clear guidelines for web-based publication of information for information disclosure.

4.2 The Task Force is aware that Department of Information Technology has been working on setting of technical standards for government websites. It is also aware that Department of Administrative Reforms & Public Grievances is also working on guidelines for websites of government departments. These guidelines would prescribe the manner in which websites need to be designed and how information should be disclosed. Task Force recommends that 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 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) The website should have a simple public interface and should not require any registration/login to access it or to access the MIS.
- (b) The website should have universal access i.e., it should be accessible to all, irrespective of technology, platforms, devices or disabilities of any kind.
- (c) 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. It was noted that 'Electronic Service Delivery Bill' under formulation in Government of India would provide the necessary impetus.

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- (d) 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.
- (e) The effort should be made to ensure that all orders of the public authority are issued only after such orders have been uploaded on the website. Such a system exists in Andhra Pradesh and can be adopted in other governments easily.
- (f) Website should have good search engine and documents uploaded should have key words assigned to them so that independent searches of the database are possible.
- (g) Website should contain all the relevant acts, rules forms and other documents which are normally accessed by citizens.
- (h) Websites should have detailed directory of key contacts, details of officials of the public authority.
- (i) Websites should not use too many technical words and, if used, they should be properly explained.
- (j) Website should be multi-lingual to remain accessible to ordinary public.
- (k) 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'. In such a listing required under this section, it should also be required to indicate which digitally held information is made available publicly over the internet and which not.
- (l) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that during process reengineering the requirement of bringing due transparency as provided in the RTI Act are given due consideration at the design stage itself.
- (m) To maintain reliability of information and its real time updation, information generation in a digital work flow should be 'locked' to 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.

- (n) Proper digital proactive disclosure is contingent upon appropriate digital record keeping. Section 4(1)(a) of the RTI Act makes a clear recommendation for digitizing and extensive networking of government records. This issue is also connected to the issue of informational aspects of e-governance based process re-engineering. New government-wide as well as department-specific electronic record keeping norms and schemes should be developed, and a study group can be set up for this purpose. Citizen's right to information should be a key design principle for these new electronic record keeping schemes.
- (o) All information and documents should have appropriate meta-data which ensures easy discovery of information. It would also enable organisation and presentation of information along many different parameters as required (for instance, data could be arranged village-wise).
- (p) 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.
- (q) Information should be easily searchable and discoverable, and therefore not just in a scanned document form. In order to search scanned documents, optical character recognition techniques are available and these should be incorporated as far as possible. Information/ documents should be time-stamped with proper versioning. Earlier versions should be archived and be publicly accessibility.
- (r) Information should be uploaded using only open standards like ODF, PDF/A, JPG, OGG etc, so that it is neutral to the technology platform of the user. Since, the accessed information is the user's right to access and she cannot be forced to use certain technology platforms rather than others. The Department of Information Technology has come up with a policy on 'Open Standards in e-governance' which should be meticulously followed. All standard web accessibility guidelines, especially relating to visual disabilities should be followed.
- (s) Department of Science & Technology is working on a 'Data Sharing and Accessibility Policy' which is based on the principle that all publicly funded information should be readily available. Once such policy is approved this should be strictly adhered to.

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- (t) 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 part 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.
- (u) In the long run, government may consider setting up one website where proactive disclosures of all public authorities are available at one place. Such experiments are already on in some other countries such as USA and this would facilitate public access to government information.
- (v) Government may consider utilizing large infrastructure which is being created as common service centers to provide information to public through these CSCs. Task Force also recommends that practices being adopted in Mexico and Kenya in this regard, may also be considered.

## Chapter 5

### Guidelines for certain clauses of Section 4(1)(b) to make disclosures more effective

5.1 At the outset it must be emphasized that various sub-clauses of Section 4(1)(b) must be treated as elements of an integrated disclosure scheme. 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.

5.2 Considering that disclosures in regard to certain clauses have been relatively weak, the Task Force has fleshed out detailed guidelines for four clauses as given below:

#### 4(1)(b)(iii)

*'the procedure followed in the decision making process, including channels of supervision and accountability';*

#### 4(1)(b)(iv)

*'the norms set by it for the discharge of its functions';*

#### 4(1)(b)(xiv)

*'the budget allocated to each of its agency indicating the particulars of all plans, proposed expenditures and reports on disbursements made';*

#### 4(1)(b)(xi)

*'details in respect of information, available to or held by it, reduced in an electronic form'*

The Task Force has deliberated on each of these sub-clauses and detailed guidelines in regard to sub-clauses are given subsequently.

#### Guidelines for Section 4(1)(b)(iii)

5.3 As per Section 4(1)(b)(iii) public authorities are required to proactively disclose "the procedure followed in the decision-making processes including channels of supervision and accountability". All government departments have specific duties and responsibilities under the respective Allocation of Business

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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 will 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 can 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.

5.4 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 is 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 member of the citizenry.

5.5 In view of the above, the Task Force recommends following guidelines for detailing the decision making processes:

- (a) To start with every public authority may specifically identify the major outputs/ tangible results/ services/ goods that it is responsible for providing to the public or to whosoever is the client of the public authority.
- (b) The decision-making chain may be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process clarifying 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 standards 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 representation may 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.

#### **Guidelines for Section 4(1)(b)(iv)**

5.5 As per Section 4(1)(b)(iv) public authorities are required to proactively disclose "the norms set by it for the discharge of its functions". Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. The Task Force noted that these are standards against which accountability in the decision making process may be demanded. Norms can be qualitative and quantitative in nature. They could be temporal also, for example, time limits may be specified for taking specific actions. They could be statutory norms which are to be followed while taking certain actions or performing certain duties by public authorities. In order to ensure compliance with this clause, public authorities would need to develop norms for major functions that are being performed, if they do not already exist.

5.6 In this context, the Task Force noted that Citizen Charters, which are mandatory, to be prepared 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. Keeping these in view, the Task Force recommends that:

(a) 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.

(b) All public authorities should publish their Citizens Charters and proactively disclose the following:



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- Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- 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.
- 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.
- 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.
- 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.
- Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

5.7 Public authorities should annually publish their performance against the norms guaranteed under the Citizens Charter and should also undertake periodic revision of Charters to include additional items or to reframe the existing norms for improved service delivery.

#### **Guidelines for Section 4(1)(b)(xi)**

5.8 As per Section 4(1)(b)(xi) public authorities are required to proactively disclose "the budget allocated to each of its agency indicating the particulars of all plans, proposed expenditures and reports on disbursements made".

- (a) The Task Force recommends that 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 keep them also in public domain. More detailed guidelines in this regard may need to be prepared in consultation with Department of Expenditure and also some civil society organizations which regularly publish simplified

versions of government budgets for general public. Presentation of 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. In this regard, Task Force also recommends that the monthly programme implementation calendar method of reporting being followed in Karnataka may serve as a useful model.
- (c) The budget released to various agencies and subsidiaries should be put on the website on a monthly basis and budgets of subsidiary 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) Efforts should be made that raw data relating to approved budgets, expenditure incurred, etc., is made available in easily downloadable, machine readable manner using open standards such as XML.
- (e) 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, gender, children, Scheduled Castes and Scheduled Tribes and religious minorities must receive special focus in all budgetary allocations and developmental target setting. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to understand the budgets of public authorities better.

#### Guidelines for Section 4(1)(b)(xiv)

5.9 As per Section 4(1)(b)(xiv) public authorities are required to proactively disclose details of the kinds of information that they themselves hold or information that is available to them, which is reduced in an electronic form. 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.

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5.10 The Task Force recommends that 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 is 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.

## Chapter 6

### Steps to be taken in matters relating to threat to RTI activists

6.1 The Task Force discussed the issue relating to threat of RTI activists and felt that this is a serious matter which would require more detailed discussions especially with law enforcement agencies. However, Task Force members felt that pending such detailed deliberations following may be taken up for immediate action:

- (a) Parliamentary Standing Committee, while discussing 'Whistle Blowers Bill' has also given certain guidance in regard to threat to RTI users. These may be adequately addressed while redrafting the Bill.
- (b) National Human Rights Commission (NHRC) has a policy to take action in matters relating to human rights defenders. The Task Force is of the view that RTI activists are also covered under the definition of a human rights defender and NHRC may be impressed upon to recognize them as such. This recognition would go a long way in helping the police to take complaints from the victims or an attack on a RTI activist as a result. The NHRC should also be requested to take action on complaints of attacks on RTI users and to seek report from the concerned police about the progress of the investigation in relation to such attacks and to give suitable directions to ensure the safety of the life and property of activists under threat.
- (c) The Task Force is of the view that if an RTI user or activist is being threatened or attacked to prevent him from accessing information under the Act, then it becomes a complaint case under Section 18 of the RTI Act and Information Commissions may take cognizance of such complaints and may conduct necessary enquiries, etc., as provided in the Act. They should also ensure that information seeking of which caused such attacks or threats is expeditiously publicized.
- (d) State Information Commission of Gujarat has taken some proactive steps whereby directions are issued to police authorities and district collectors immediately (upon receiving complaints under section 18 of RTI Act, along with details of the threats/attacks/pressures and copy of intimation of the same to nearest police station) for providing necessary protection to an RTI activist under threat and also for conducting enquiries. In case an RTI applicant is attacked, the complaints filed by applicants closest relation or civil society organization or mandal are also taken into consideration for immediate actions. Other states may also be encouraged to adopt similar practice.

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(e) The Task Force also recommends that the forums of civil societies active in the field of Right to Information in various states may also be activated to take up serious cases of threat and attacks on RTI activists before state authorities and State Information Commissions. This would bring in necessary pressure on the law enforcement agencies to take prompt action in such matters.

6.2 Although Task Force has deliberated on the issues relating to threat to RTI activists and has given recommendations in this regard, it is of the view that this issue needs more detailed discussions, particularly with law enforcing agencies, in order to work out more specific action plan for tackling this problem.

## Chapter 7

### Guidelines for consultation with public in relation to the formulation of policies and implementation thereof

7.1 Section 4(1)(b)(vii) requires that public authorities should publish 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. In addition, Section 4(c) requires that public authorities should publish all relevant facts while formulating important policies or announcing decisions which affect people.

7.2 The Task Force noted that so far public authorities have not complied with this provision. The Task Force further noted that each public authority cannot have a different policy on such important issue as policy for consultations has to be laid down by the respective government, which should then be adhered to by various Ministries/Departments/Attached Offices. Therefore, a policy and a framework for consultation need to be formulated to ensure standardization and institutionalization.

7.3 The Task Force recognizes that it may not be very easy to frame exhaustive guidelines with actionable specificity for all public authorities across all kinds and types of policy decisions. Task Force, however, recommends that any policy consultation process must be based on three main principles:

- (a) **Transparency:** The Right to Information Act provides a statutory mandate for transparency of all information held by the State subject to limited and predefined exclusions. The policy consultative process must operate within the framework of the RTI Act, while providing institutionalized platforms for citizen participation.
- (b) **Inclusiveness:** The ideal of democracy mandates processes of universal inclusion either directly or through representation. The policy consultative process must balance both inclusiveness and practicality for meaningful citizen participation.
- (c) **Equity:** Special efforts must be made to solicit and incorporate views of those groups/persons directly affected by decisions.

7.4 The Task Force deliberated on the kind of policies which must be open for public consultation and debate. In this context, it was emphasized that the purpose of public consultation is not only to solicit views of the affected parties but also to tap professional expertise in various fields which resides outside

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government systems. In today's world, knowledge is developing very fast and many a times non-government bodies may have more up-to-date knowledge about various sectors which need to be tapped to ensure that policies are better informed by the best practices across the world.

7.5 The Task Force deliberated on the kind of policies where consultation should be mandated. It noted that under the general definition of policy many minor decisions would also be included and it would not be wise to burden the system with consultation on each and every such issue. After detailed discussions it was recommended that:

- (a) Public consultation should definitely be held wherever any Bill is proposed to be introduced or rules/regulations are proposed to be framed for an existing or proposed Bill. The Task Force noted that there could be some Bills where such consultation cannot be mandated because of statutory or historical reason such as introduction of Finance Bill, etc., or on matters relating to national security, etc., which are exempted under Section 8 of the RTI Act. Consultation would not be necessary in such cases.
- (b) Public consultation should also definitely be held when major policy decisions which directly affect public at large are proposed to be taken such as national policies on health, education, social welfare, natural resources, etc.
- (c) It is expected that consultations will normally be held through web-based processes. However, Ministries may adopt other means such as publication in newspapers, etc., to seek participation.
- (d) It would be useful for Ministries/Departments to prepare databases of organizations which have specific knowledge and interests in the fields that Ministry/Department works in so that such knowledgeable resource persons are definitely tapped during the consultation process. Similarly, civil society organizations which are active in the respective fields should also be included in the database for the purposes of consultation.
- (e) Ministries/Departments should prepare a consultation document which should be posted on the website. These documents should:
  - Explain who will use the responses and for what purpose?
  - Explicitly state to who to respond to direct queries to, giving a name, address, telephone number and email address.

- Clearly state the deadline for responses, any alternative ways of contributing and the language(s) in which responses are preferred.
  - Make it clear that responses, including the names and addresses of respondents, may be made public unless confidentiality is specifically requested.
  - State the date when and the web address where the summary of responses will be published.
  - Include relevant documents on the subject along with the online questionnaire or survey. Not only does this lead to a more informed consultation exercise, but it also ensures that stakeholders have a better understanding of the issues.
  - Provide a well-written executive summary that covers the main points so that consultees can decide whether the consultation is relevant to them or not.
  - Provide material on previous consultation(s) on the same topic, if any.
  - Avoid jargon and only use technical terms where absolutely necessary. Explain complicated concepts as clearly as possible and, where there are technical terms, provide a glossary.
  - Ask focused questions, and be clear about the specific points on which views are sought. Encourage respondents to provide evidence, where appropriate, to support their responses. Make it clear, if there are particular areas, where their input would be especially valuable. Responses are likely to be more useful and focused if the respondents know where to concentrate their efforts.
- (f) As regards timeframe for consultation, it may vary from consultation to consultation depending on the complexity of the issue and nature of consultation. However, it is expected that minimum time of consultation should be at least six weeks which may extend up to twelve weeks.
- (g) It is not necessary that all comments/ suggestion is to be individually responded to. The Task Force recommends that once responses are received on the consultation document, they should be analyzed and a short summary emphasizing the main points should be posted on the website at the end of the process. It may be highlighted that what is important is not only the number of respondents who express a particular view but the quality of the response and evidence in support of that response. Ministries/Departments may solicit more detailed views from individuals/organizations who have offered very substantive and useful comments to further seek clarifications, if any, required.



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(h) The results of consultation should be presented to the competent authority while submitting the proposal for approval after making changes or amendments, if any, based on consultations.

7.6 The Task Force took note of the fact that sub-group on transparency and accountability of NAC is also indicated in drafting recommendations regarding consultations during the pre-legislative process. As such, the guidelines which may be issued based on the Task Force recommendations, may be suitably amended whenever recommendations of the NAC are available and accepted by the government.

## Chapter 8

### **Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act.**

8.1 The Task Force agreed that although there has been improvement in proactive disclosures since the promulgation of RTI Act, much more needs to be done - both in quality and quantity of disclosures. One important issue is ensuring compliance with the provisions of suo motu disclosure as provided in the Act. This issue has been discussed several times both within government and at the level of Information Commissions but an acceptable mechanism for ensuring compliance is yet to emerge.

8.2 The Task Force is of the view that both the public authorities and Information Commissions should share the responsibility to monitor and enforce compliance with suo motu disclosure provisions. At the level of public authority responsibility should be given at senior levels for ensuring that information is proactively disclosed and regularly updated as per the provisions of the Act. Information Commissions would need to develop mechanisms to monitor whether action is being taken as per the provisions of the Act and, if weaknesses are found, they are already authorized to issue directions to public authorities under 'Section 25(5) of the Act. Keeping the above in view, the Task Force makes following recommendations for improving compliance with the provisions of the RTI Act regarding proactive disclosures.

#### **Proactive Disclosure Scheme**

8.2.1 Each Ministry/Department of government should prepare a proactive disclosure scheme for their Ministry/Department which should also include the proactive disclosures to be made by attached and subordinate offices of that Ministry/Department. This is necessitated as many of the clauses of Section 4(1)(b) would need to be specifically detailed for a specific Ministry/Department and their offices. For example, under Section 4(1)(b)(iii) the procedure followed in the decision making process needs to be detailed. Elsewhere in this Report recommendations have been made as to which decisions should be covered for proactive disclosures. This would be different for different Ministry and should be carefully detailed in the scheme specific to that Ministry. Similarly, how the budgets of the Ministry/Department are to be put up in the user-friendly manner as recommended elsewhere in this report would be different for different Ministries/ Departments. The norms set by public authority for discharge of its functions would also be specifically detailed for each public authority/Ministry/Department. It is in this context that need for a Ministry/Department specific proactive disclosure scheme

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which conforms to the provisions of RTI Act, is felt and it is in this context that this recommendation is being made.

Task Force is aware that this recommendation would need to be fleshed out in more detail and may be once recommendation is accepted, DOPT would need to prepare a sample scheme which may then be circulated to all the Ministries/Departments to emulate.

It is recommended that this scheme would be prepared by all Ministries/Departments first time and filed to the Central Information Commission by 31<sup>st</sup> March 2012. Subsequently, while preparing the annual compliance report Ministry/Department would be expected to review the scheme itself on an annual basis and make appropriate changes. That may become necessary with time. This proactive disclosure scheme would become the bench mark for evaluating compliance with the requirements of the Act. It is also expected that Information Commissions would be authorized to review the scheme and to comment on its completeness. In case there are gaps it would send appropriate recommendations to Ministry/Department for revisions which would need to be complied with as per the provisions of the Act.

#### **Nodal Officer**

8.2.2. Each Central Ministry/Department would 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 scheme. Officers of similar seniority should be appointed in State Government. 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 would also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure scheme. The Task Force recommends that once the above recommendation is accepted capacity building programmes for the nodal officers be organized by DOPT to sensitize them with the provision of the Act and also to facilitate their working.

#### **Annual Report to CIC**

8.2.3 All Ministries/Departments/Attached Offices would submit an annual report to CIC within three months of the close of the year detailing compliance made with the approved proactive disclosure scheme and also list out any changes in the scheme which are deemed to be appropriate.

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### Annual Reports to Parliament/Legislatures

8.2.4 Government has recently 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 scheme should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.

### Inclusion in RFDs

8.2.5 Task Force noted that DOPT have requested Performance Management Division to include compliance with suo motu disclosures provisions of RTI Act as one of the mandatory actions in the Results Framework Documents (RFD) for the Department. The Task Force endorses this suggestion of the Department and requests government that this may be enforced at the earliest.

### Audits by Information Commissions

8.2.6 At a later date, Information Commissions may strengthen their infrastructure and undertakes sample audits of compliance with proactive disclosure scheme results of which should be included in the Annual Report of Information Commissions submitted to the respective legislative body.

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