

Subject: Constitution of Task Force for effect implementation of Section 4 of the RTI Act, 2005

Section 4 of the RTI Act, 2005 provides for a regime of voluntary or suo motu disclosure by public authorities. All Public Authorities were required to publish information on various items as listed in Section 4(1)(b)(i) to 4(1)(b)(xvii) within 120 days of the enactment of the Act and thereafter to publish such information at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information from public authorities. In addition to the above, Section 4 (1) (c) lays down that the public authorities will also publish all facts while formulating important policies or announcing the decisions which affect public and Section 4 (1) (d) lays down that public authorities will provide reasons for its administrative or quasi-judicial decisions to affected persons.

2. It has been the constant complaint of CIC as well as the civil society that implementation of Section 4 provisions has been weak. Public Authorities are not taking steps to disclose information on suo motu basis and no enforcement has been made to ensure compliance of these provisions. While this is not entirely true, as there has been a significant increase in web based disclosures (by central public authorities), it is also true that the implementation of Section 4 provisions has not been consistent across Ministries and also that the quality and timeliness of disclosures is not uniform. Some of the major weaknesses are:

(i) Public Authorities are constituted at various levels, for example, while a Ministry may be the Public Authority at the highest level, one of its subordinate offices at sub-district level would also be a Public Authority for the purpose of this Act. The Act does not make a distinction between the level at which Public Authority is constituted for the purpose of disclosure of information. For example, while details of boards, councils, etc may be relevant at the Ministry level, it has no relevance for a field formation

(ii) Some of the provisions also need elaboration to enable Public Authorities disclose information fully. For example, Section 4(1)(b)(vii) lays down that particulars of any arrangement that exists for consultation with, or representation of the members of public in relation to the policy or implementation thereto should be detailed. It is felt that till a clear cut policy is enunciated in this regard, Public Authorities may not be able to publish such information.

(iii) No mechanism has been set up to monitor compliance with regard to section 4 provisions.

3. The issue of implementation of Section 4 was also discussed in a meeting held with Sub-Group on Transparency and Accountability by NAC and it was agreed that a Task Force may be set up to deliberate on measures for better implementation of this provision of the Act. It was also agreed that some members of civil society may also be included in the Task Force so that recommendations are infused with their experiences at the grass root level.

4. This item has also been included as one of the Action Points in Department's RFD 2011-2012 and the report of the Task Force is to be finalized by 31st August.

5. In view of the above, it is proposed to set up a Task Force consisting of following members to review the provisions regarding suo motu disclosure given in Section 4 of the RTI Act, 2005 and to recommend measures for its better implementation and enforcement:

(1) JS(AT&A)

Chairman

(2) One representative of M/o.Information Technology
not below the rank of DS/Director to be nominated
by Secretary (IT).

Member

(3) One representative of D/o.AR&PG
~~not below the rank of DS/Director~~ to be nominated
by Secretary (AR&PG).

Member

(4) One representative of M/o.Law
not below the rank of DS/Director to be nominated
by Secretary (Law).

Member

(5) to (7) Secretaries of Governments' of Uttar Pradesh,
Andhra Pradesh, Bihar dealing with implementation
of RTI Act in their State

Member

(8) to (12) Four representatives of non-government organizations working in
the field of RTI, one each from:

(a) NCPRI

(b) IT for Change, Bangalore

(c) Mahiti Adhikar Gujarat Pahal (MAGP), Gujarat

(d) 'JOSH',

(e) Satat Nagrik Sangathan (SNS), New Delhi

Member

(12) Shri K.G. Verma, Director (RTI), DOPT

Member-Secretary

6. The terms of reference of the Task Force will be as under:

- (a) To examine the provisions of Section 4(1)(b) 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 provision of Section 4 (1) (b), (c) (d) and Sections 4 (2) to 4 (4) may be better enforced.
- (g) Any other issue incidental to the above.

7. This Task Force may consult with other Ministries, State Governments, CIC and SICS and also with other NGOs for finalizing its report. The methodology for working of the task force will be laid down by the task force itself.

8. The Task Force will finalize its recommendation by 31st July 2011 and submit it to the Department for consideration.

9. DFA please



(K.G. Verma)
Director
3.5.2011

JS(AT&A) may like to approve the above -

Secretary (P)

This task force may also look at ^{and suggest} measures

for protection of persons seeking
information under the RTI Act
with this addition, above proposals
maybe approved.

~~Anolu~~
4/5/11

~~Mos(PP)~~ ~~V~~
4/5/11

~~Ang(10)~~

~~gs/AT/11~~ ~~Anolu~~
4/5/11

DLC(RT) on leave
DSC RTA

ke
5/5
oc
5/5
uscir

Department of Personnel & Training
IR Section

Reference notes on pre-page.

2. As directed by Director (RTI) over telephone a meeting of the Task Force Committee constituted for effective implementation of Section 4 of the Right to Information Act, 2005 will be held on 23rd May, 2011 at 11.00 a.m. onwards under the chairmanship of Joint Secretary (AT&A) at CSOI, K.G. Marg, New Delhi followed by a Lunch.

3. We may issue a letter to all the member of the Committee as per DFA please.

Wpmh
11.05.2011

D.O. (IR) As directed, CSOI has been booked tentatively for the meeting
11.5.11

246-0/L
Director (RTI)

Discussed with JS(AT&A).

Meeting will be held at 12:00 noon on

25.5.2011 in Conference Room. Working lunch would be served. Please make arrangements accordingly. Modify notice also.

SD
12-5-2011

US (RTI) on leave
DO (IR)

Reference notes on prepage.

A revised meeting notice of the Task Force Committee as re-scheduled at 12 noon on 25.5.2011 is placed below for approval please. DFA.

shg

12.5.11

255-0/L

Director (RTI)

Notice of notice may be issued as per DFA.

ShD

12.5.2011

JS(AT&A)

12.5.2011

D (RTI)

Issue notice and make necessary arrangements.

ShD

13.5.2011

DO(IR)

Department of Personnel & Training
IR Section

It has been decided to hold a meeting of Task Force for effective implementation of Section 4 of the RTI Act, 2005 on 25th May, 2011 in the Conference Room (Room No. 190), North Block, New Delhi. Five NGOs [3 are based in New Delhi, one in Bangalore and one in Ahmedabad] working in the field of RTI have been nominated as Member of the Task Force and requested them to attend the said meeting. The Executive Director, IT for change, an NGO from Bangalore has confirmed his participation (Flag 'A').

2. The estimated expenditure on the basis of NGOs invited from outside Delhi and tentative expenditure for Lunch and High Tea for 20 Officers are as under:

A.

Destination	Airfare (approx.)	Taxi Fare	TA/DA	Total
Ahmedabad - Delhi and return by Air India	Rs.17,400/-* (8700x2)	2000/-	3000/-	22,400/-
Bangalore - Delhi and return by Air India	Rs.14,800/-* (7400x2)	2000/-	3000/-	19,800/-
Total:				Rs. 42,200/-

* procured from internet.

B. Tentative Expenditure for Lunch and High Tea (procured from Department's Canteen) ✓

Rs.2510/-

Thus the total tentative expenditure (A + B) comes to Rs.44,710/-

3. The expenditure will be debitable to Major Head 2052 - Secretariat General Services, 05.14 - Propagation of Right to Information Act 05.14.20 - Other Administrative Expenses under Grant No. 72 for the year 2011-12.

4. Before we request Cash Section for disbursement of cash, if approved, we may seek the concurrence of IFD (MHA) to draw the amount of Rs. 44710/- (approx.) in advance.

Submitted for approval please.

Mans
18.05.2011

D.O/(IR)

It is certified that sufficient fund is available under Major Head 2052 - Secretariat General Services, 05.14 - Propagation of Right to Information Act 05.14.20 - Other Administrative Expenses under Grant No. 72 for the year 2011-12.

US (ZR)
DS (IR)

18/5/11

18.5.11

Jumadha S. Chagto
18/5/2011

JS (ATIR)

B - approved.

A - I don't think we have committed reimbursement of Airfare.

Sir (Admin)

Jumadha S. Chagto
19/5/2011

19/5

Ref. JS(AT&A)'s note on pre-page.

No commitment about TA/DA has been made. It is, however, felt that the NGOs would expect the Government to make payment for the purpose. If approved, the representatives of the NGOs located at places other than Delhi may be allowed airfare.



19.5.2011

JS (AT&A)

D/KR(E)

K. Speah.

Discussed.

Please submit a proposal for payment of TA/DA from the TA/DA budget head of the DOPT.

Immediate.



21.5.2011

DO(IR)

20/5

Reference notes on pg.7 and 8/n ante.

2. It has been decided to hold a meeting of Task Force for effective implementation of Section 4 of the RTI Act, 2005 on 25th May, 2011 in the Conference Room (Room No. 190), North Block, New Delhi. Five NGOs [3 are based in New Delhi, one in Bangalore and one in Ahmedabad] working in the field of RTI have been nominated as Member of the Task Force and requested them to attend the said meeting. The Executive Director, IT for change, an NGO from Bangalore has confirmed his participation (Flag 'A').

3. The file was submitted to JS(AT&A) for approval of Rs.44,710/- as estimated expenditure on the basis of NGOs invited from outside Delhi and tentative expenditure for Lunch and High tea for 20 Officers as per the following details:

A.

Destination	Airfare (approx.)	Taxi Fare	TA/DA	Total
Ahmedabad - Delhi and by Air India	Rs.17,400/-* (8700x2)	2000/-		22,400/-
Bangalore - Delhi and by Air India	Rs.14,800/-* (7400x2)	2000/-		19,800/-
Total:				Rs. 42,200/-

procured from internet.

B. Tentative Expenditure for Lunch and High Tea
(procured from Department's Canteen)

Rs.2510/-

Thus the total tentative expenditure (A + B) comes to Rs.44,710/-

4. It has been decided vide pg.8/n ante that this would be met from the TA/DA budget head of the DoPT.

5. If approved, we may seek kind concurrence of Director(Admn.) being the HoD for incurring the total expenditure of Rs.44,710/- with the request to Cash Section for disbursement of cash towards this meeting

6. Submitted for kind approval please.

WS - In a meeting.

DS (3/2)

JS CAT & A)

Discussed with JS CAT & A). DoPT may kindly provide the lunch from its funds.

DS (Admn)

DS (ATI)

US (AT)

20/5

20/5

24-5-2011

24-5-2011

25/5

23.5.11

23/5/2011

24/5

Reference notes on pre page .

The first meeting of the Task Force for effective implementation of Section 4 of the RTI Act, 2005, was held under the chairmanship of JS(AT&A) on 25 May 2011.

The draft minutes along with the list of attendees are placed as DFA please.

dhg
31.5.2011

46(IR) - O/L

DS(IR)

Ganesh S. Nagti
31/5/2011

~~JS(AT&A)~~

Put up amended draft.

31/5

DS/RTI

✓(DFA)
Draft has been amended as directed. May kindly approve same.

Ganesh S. Nagti
1/6/2011

~~JS(AT&A)~~

This has been discussed today, with DS(IR) and as directed, we may issue the minutes today.

dhg
01/6/2011

Sh. Manoj

1/6

DS/RTI

Reference notes on pre page.

The minutes of the Task Force meeting have been issued and placed on the website along with the OM on Constitution of Task Force, inviting comments of the public by 12th June 2011.

Placed below is a draft 'Guidelines for holding consultations of the Task Force', for kind approval at DFA please.

LS-0/L

DS (IR)

IS CAT (P, K)

06
06 XI

Immadha J. Chagla
6/6/2011

Pl. examine 'A'.
Sd/-
Secretary (P)

FR is an email dated 04.06.2011 from Sh. Sarbajit Roy of New Delhi complaining therein:

- (a) That this Department has still failed to comply with mandate of section 4 of the RTI Act to publish the process for 'Consultation with members of the public' and 'Access to public' on its website.
- (b) That this Department has constituted a Task Force for RTI section 4 implementation wherein almost all the 'NGOs' constituents are part of the NCPRI and that other individual citizen stakeholders in RTI process like him have been deliberately excluded from this consultation process.

2. Sh. Roy has alleged in part 'b' above that the five NGOs were taken on board as member of the Task Force are part of NCPRI. It may be noted that while constituting the task force, it was decided, with the approval of MOS (PP), to have one representative from each of the five NGOs as member of the Task Force. All the five NGOs taken on board have been working with this Department in the past also and contributing for the cause of the RTI. Affiliation of these NGOs with NCPRI, as alleged, was neither checked nor does it make any sense so long as the DoPT gains from their field experience. In so far as not inviting Sh. Roy to be a member of the task force, it is added that there are endless numbers of RTI activists and NGOs working for the cause of RTI and it is just not possible to include/invite each and every NGO/activist for a meeting/consultation/workshop etc.

3. If approved, Sh. Roy may be intimated on the lines above as per DFA placed below.

(P) Under
12/2/2011

D//RTI We may write to Shri Roy that if has any suggestions about effective implementation of section 4 of the RTI Act, he may send the same in writing to this Department.

Sd/-
17-6-2011

JS (AT&A)

Shri Roy met me personally & I have already advised him to do so. In fact, he has, in a subsequent mail mentioned that he would be sending his comments.

Sd/-
20.6.

DS (RTI)

21/6/2011

(P) Under
21/6/2011

D(R/RTI)
21/6/2011

20/6

Received in
the o/o JS(AT&A)
on 20/6/11.

As desired by JS(AT&A), to hold a meeting of the Task Force for effective implementation of Section 4 of the RTI Act, 2005 on 19th August, 2011 at 2.30 P.M., notice has been issued on 12th August, 2011.

2. It is proposed that two invitees - Ms.Pankti D.Jog of MAGP from Ahmedabad and Sh.Parminder Jeet Singh of IT for Change from Bangalore may be given airfare for attending the meeting, estimate(obtained from internet) of which is as follows:-

Destination	Airfare(approx) for Economy Class
Ahmedabad-Delhi and back by Air India	8133/-
Bangalore-Delhi and back by Air India	21974/-
Total	30107/-

3. Entitlement of non-officials is decided by equating them with any grade of officials of the government. If the above persons are equated with officials drawing grade pay of Rs.7600-8900, they will be entitled to Air fare of economy class.

4. The expenditure will be met from Major Head 2052 - Secretariat General Services, 05.14 - Propagation of Right to Information Act, 05.14.20 - Other Administrative Expenses under Grant No.72 for the year 2011-12.

5. Submitted for approval please.

~~JS(RTI)~~

~~JS(AT&A)~~

20

17.8.2011

Approved. We may seek concurrence of Ld.

hm
17/8/11

By No. 99292/JS(Fin)PES
Date: 18/08/2011

~~JS(RTI)~~

17/8

20

17.8.2011

~~JS(Finance)~~

yo

ATA (Pers) 17.8.11

12/9/11 / AFM-CD
18/08

For DO (Fin II) M

18/08

SK/F2 II

MHA(FIN.II)

Reference note at pre-pages relating to payment of air fare to non-official members of Task Force to attend the meeting on 19th August, 2011.

2. It has been observed that DOPT has constituted a Task Force for effective implementation of Section 4 of the RTI Act, 2005. The last meeting of the Task Force was held on 25th May, 2011 and air fare, taxi fare, TA were paid without concurrence of IFD. Now DOPT has proposed for payment of air fare to Ms. Pankti D. Jog of MAGP from Ahmedabad and Shri Parminder Jeet Singh of IT for Change from Bangalore. The details of journey and cost mentioned at para 2 of page 13/N. The total financial implication is ₹ 30107/- only.

3. In this connection it is stated that non-official members appointed on Committees may be permitted to travel by air in connection with Government work with the personal approval of the Secretary of the Ministry/Department concerned.

4. Considering the above facts, we may concur the proposal and seek the approval of Secretary (P) to allow air journey by economy class to above mentioned two non-official members.

Submitted please.

(Manoj Kumar Jha)
Desk Officer
18th August, 2011.

JS(Fin-Pers)

SS & FA (H)

VISHWAPATH TRIVEDI
SS & FA (H)

डा० प्रफुल्ल केरकेड़ा
सं. स. (वित्त/कार्यिक)

JS (RTI), DOPT

UNo 2639
Oto the SS&FA (H)
Dy. No. CP 99393
IN 18/8/11
OUT 18/8/11
18/8/11

Dy. No. CP 99393 JS(Fin-Pers)
18/08/2011

US(1R) DOPT

19/8/11

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.

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.

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.

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);
- (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.

5. Government Order setting up of the Task Force is at **Flag 'A'**. The names of members of the task force are at **Flag 'B'**.

6. The first meeting of the Task Force was held on 25th 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 **Flag 'C'**. 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.

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 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.

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 **Flag 'D'**.

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.

10. Based on the above deliberations, draft Report of the Task Force was finalized and circulated to all Members through email (Flag 'E'). Comments received from various Members which were processed and changes wherever required were incorporated. Details of the comments received and our response to those is at Flag 'F'. Various emails received from the Members in this regard are kept on the file.

11. The final Report has been accordingly prepared and a copy is placed alongside for perusal. We will have to work out the modalities for processing these recommendations and thereafter taking further action in this regard.

(Rajeev Kapoor)
Joint Secretary (AT&A)
August 20, 2011

Secretary (P) The Task Force was required to submit its Report by 31, Aug '11, which it has done. We are (under the RTI) required to issue comprehensive guidelines on two-note disclosure in the next two months.

The Task Force has suggested guidelines & templates for disclosure of information under various schemes.

It is proposed to circulate the Report to all Ministries concerned & request them for a response by 25/9/11. We can firm up our guidelines after examining these responses. Concurrently, the Report will also be examined in the Dept. For present information

JS (RTI)
At. Speaks

5/9

Md. (RTI)

V. D.

2/9/11

Secy

8/7/11 5/9

30/8/11

Discussed with JS(AT&A).

Comments may be called from Ministries/
Departments as discussed.

20

12.9.2011

US(RTI)

This is regarding the report of the Task Force set up by DOPT to review the provision regarding suo-motu disclosure given in Section 4 of the RTI Act, 2005 and to recommend measures for its better implementation and enforcement. The report submitted by the Task Force has been accepted by MOS(PP). A copy of the report of the Task Force has been sent to following Ministries/Departments with the request to furnish their comments by 25th September, 2011:

- i. Ministry of Panchayatiraj
- ii. Department of Rural Development
- iii. Department of Food and Public Distribution
- iv. Department of School Education & Literacy
- v. Department of Information Technology
- vi. Department of Expenditure
- vii. Department of AR&PG

2. The issue was discussed in the Senior Officers' Meeting held on 13.09.2011 where it was decided that the Report of the Task Force may be placed before the Committee of Secretaries. A Draft note for Committee of Secretaries has, accordingly, been prepared and submitted for approval.

JS(RTI)

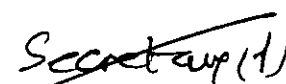


hm
16/9/11

16.9.2011

JS(AT&A)

The note for the COS has been recast. Recommendations have been analysed & put into 2 categories - those which may be implemented immediately & those which may be considered later. COS approval is being sought on the recommendations which may be implemented immediately (Annexure IV). Secretary(1) may like to approve. As per RFP we need to get approval of the recommendation by 31/10. We would accordingly urge 1 Cabinet Secretary to fix an early meeting.

Report may be circulated to all  2/9/11

concerned Deptts for their comments
by 15/9/11 we may then send the
note to cabinet with incorporating
comments / suggestions received

JG/RTI

Anoli
20/9/11

20/9

DB JS/RTI

20
21.9.2011

US(RTI)

8
21/9/2011

USC/19

Secretary(P) has on prepage desired that the Report of the Task Force may be circulated to all concerned Departments for their comments by 15.10.2011 and then send the note for COS incorporating the comments/suggestions received.

2. We have already sent the Report of Task Force to the following Ministries for their comments:-

1. Ministry of Panchayati Raj
2. Department of Rural Development
3. Department of Food and Public Distribution
4. Department of School Education and Literacy
5. Department of Information Technology
6. Department of Expenditure
7. Department of Administrative Reforms and PG

3. We have requested the above departments to furnish their comments by 25.9.2011. In case their comments are not received by then, we shall request them to do so by 15.10.2011.

4. Submitted for information please.

JS(R/TI)

hm
22/9/11

22.9.2011

JS(AT&A)

Sec. R. follow up.

JS(RTI)

24/9

hm

23.9.2011

US(VR)

A reminder has been sent to all the above Ministries on 30.9.2011 requesting them to furnish their comments by 7.10.2011. Their comments are still awaited. A draft reminder to all of them is put up for approval please.

Dir(I/R)

US(I/R)

hm
10/10

hm
10/10/11

Manoj

This is regarding implementation of recommendations of Task Force for strengthening compliance with provisions of Suo Motu/Proactive Disclosure under Section 4 of RTI Act 2005. As it was decided in the Senior Officers' Meeting held on 13.9.2011 to place the Report of the Task Force before the Committee of Secretaries, a draft COS Note has been prepared and placed on file. The report of the Task Force, after acceptance by MOS(PP), was sent to the following Ministries/Departments on 13.9.2011 with the request to send their comments to this Department by 25.9.2011:-

1. Ministry of Panchayati Raj
2. Department of Rural Development
3. Department of Food and Public Distribution
4. Department of School Education and Literacy
5. Department of Information Technology
6. Department of Expenditure
7. Department of Administrative Reforms and PG

2. Reminders were sent to the above Ministries/Departments on 30.9.2011 and 10.10.2011. The concerned Joint Secretaries were contacted on phone also but comments from none of the Ministries has been received as yet. The approval of guidelines and their notification for strengthening of Suo motu disclosure is an RFD target to be achieved by 31.10.2011.

3. The draft COS Note is placed below for approval of Secretary(P). Thereafter, Cabinet Secretariat would be requested to fix an early meeting for considering the Report of the Task Force.

Dir (I/R)

hm
14/10/11

Junabha S. Chagla
14/10/11

JS (AT & A) on leave.

JS (CV)

~~JS (K) L.O~~

~~Secretary~~

[Signature]
14/10/11

1. Annexure IV & V need to be analysed on file first.

2. The note should also bring out 'A' above. In meantime, we may remind all concerned Depts. concerned.

[Signature]
Dir (I/R)

[Signature]
14/10/11

[Signature]
18/10

✓ p102-103/c

A

2 p104/c
11 p106/c

As directed Annexure IV and V have
been incorporated in the note

Immeda L. Magti
21/10/2011

SS (ATP, A) on leave.

IR (E)

To also bring the analysis on file
noting

24/11/11

Dir (UR)

Reference remarks of Secretary (P) on p.22/ante.

The Task Force has made recommendations in seven main areas. The first area deals with prescribed additional items for smooth disclosure under Section 4(1)(b)(xvii) of the RTI Act. Section 4(1)(b)(xii) lays that Government may prescribe any additional items which should also be included for suo motu disclosure. So far no additional items have been prescribed by the Government. The Task Force has recommended 8 items which should also be included for disclosure under the suo motu disclosure scheme of Section 4(1)(b). These relate to procurement made by public authorities, information relating to public-private partnerships, transfer policy for different grades/cadres of employees, details of posts which have been classified as sensitive posts, information sought through RTI applications and appeals and the response of public authorities, details of CAG paras framed, citizen charters and all discretionary and non-discretionary grant allocations. The department's view on these recommendations is that they can be adopted, however, a new set of rules need to be framed for implementation of these recommendations. As far as procurement is related, consultation with Department of Expenditure would be required.

2. The second area of recommendations is guidelines for facilitating disclosure at different levels of Governance and the Task Force has suggested templates identified 4 areas for development of templates namely the public distribution system, Panchayats MGNREGA and Primary and Secondary schools. Templates have been circulated to relevant Departments/Ministries for their comments. Department of Higher Education (Ministry of HRD) has responded and has generally agreed with the recommendations of the Task Force.

3. The Task Force has also given some general recommendations about the suo moto disclosure at various levels i.e. open dissemination of information locally in a form and manner that is easily accessible to the public, like wall paintings and has also listed some innovative practices which may be circulated to all State Governments. The Department is of the view that the above recommendations are adoptable and may be circulated to all concerned for information and adoption.

4. The Task Force has stressed adopting guidelines for digital publication for proactive disclosure. It has suggested 15 principles/practices which may be taken for implementation immediately while adhering to the standard guidelines for preparation of Departmental websites as laid down by the Department of Information Technology and also the Department of Administrative Reforms and Public Grievances. Department of AR&PG² has expressed its agreement with the recommendations of the Task Force and has no further suggestions to offer. As most of these recommendations are useful and can be adopted immediately, these may be adopted.

✓ Flag 'B'

2. Flag 'A'

5. The Task Force has desired detailing of 3 clauses of Section 4(1)(b), namely clauses 4(1)(b)(iii), 4(1)(b)(iv) and 4(1)(b)(xi). These clauses can lend themselves to ambiguity while interpretation. In case of Section 4(1)(b)(iii) prescribing the procedure followed in the decision making process, including channels of supervision and accountability and 4(1)(b)(iv) prescribing the norms set by it for the discharge of its functions' DOPT would issue detailed guidelines. In case of Section 4(1)(b)(xi) consultation with Department of Expenditure would be required.

6. In the matter of steps to be taken relating to 'threats to RTI activists' since the recommendations are in generic in nature, the Central Government may issue advisory to the State Governments in this regard. However, the department is of the view that detailed deliberations are still required on this issue.

7. Section 4(1)(b)(vii) requires that public authorities should publish the particulars of any arrangements 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 public all relevant facts while formulating important policies or announcing decisions which affect people. The Task Force has recommended a policy framework for this, especially in the areas of framing of legislations, rules, and major policy. At present this is not being done. The department is of the view that a detailed policy would have to be framed based upon these recommendations.

8. The last area that the Task Force deliberated upon was compliance with provisions of suo motu disclosure under the RTI Act which includes preparation of a scheme of proactive disclosures scheme by each Department/Ministry on an annual basis and submission to Central Information Commission; Compliance of the above to be reported reported in the annual reports of the Ministry/Department to be placed before the Parliament; appointment of a senior officer for ensuring compliance with the provisions relating to proactive disclosures; inclusion of suo moto disclosure in the RFD of the Department; Information Commissioners may strengthen their infrastructure and undertake sample audits of compliance of proactive disclosures by Ministries/Departments.

9. Some of the recommendations of the Task Force are proposed to be processed at later date. These include guidelines for facilitating disclosure at different levels, the use of SMS, call centres, IBRS and information help lines etc. Guidelines relating to conversion of available data in digital form and its disclosure would need further examination.

10. A COS note incorporating the recommendations of the Task Force which are implementable now (Annexure IV) and those which could be implemented at a later stage (Annexure V), is placed below for approval.

Dir (IA)

JS (A.T.A)

Secretary (P)

JS (A.T.A)

As Shyama Sundar

Immadra S. Chaghi
29/10/2011

21/11

28/10/2011

Amoli
11/11

Secy
2/11

DIR (RTI)

1/11

memo on prep work

GOS are to be placed below for sign. of
IS(ATAA), before it is sent for making copies.

(P. 10)

2/10/11

Don (1/11)

Jennadine S. Magli

2/11/11

IS (ATAA)

↓

2/11/11

DIR(1A)

This is regarding implementation of recommendations of Task Force for strengthening compliance with provisions of Suo Motu/Proactive Disclosure under Section 4 of RTI Act 2005. After acceptance by Hon'ble MOS(PP), the report of the Task Force was sent to the following Ministries for their comments on 13.9.2011:-

1. Ministry of Panchayati Raj *
2. Department of Rural Development
3. Department of Food and Public Distribution
4. Department of School Education and Literacy
5. Department of Information Technology ✓
6. Department of Expenditure ✓
7. Department of Administrative Reforms and PG ✓

2. Despite several reminders, the Department of AR&PG, Department of Higher Education and Department of Information Technology only had furnished their comments. A Note for Committee of Secretaries was sent to Cabinet Secretariat seeking the approval of COS on the recommendations of the Task Force. The Cabinet Secretariat returned the Note for COS with the advice that the comments of the concerned Ministries/Departments on the COS note may be obtained and the same may be incorporated in the Note and thereafter be sent to the Cabinet Secretariat for convening a meeting of the COS.

3. The Report of the Task Force has now been sent to all the Ministries/Departments of Govt of India on 28.11.2011 with a request to send their comments within a week. The period of one week has expired on 5.12.2011. Comments of none of the Ministries/Departments have been received as yet. If approved, we may send the COS Note after incorporating the comments received from 3 departments mentioned in para 2 above.

4. Submitted for approval please.

Dir (P/R)

JS (AT & A)

JS (C)

JS (A2 & A3)

A3 slightly modified.

On return JS (A2 & A3)

hm
8/12/11

Jumadun L. Usaghi
8/12/11

Dir (P/R)

ke
12/11/11

✓ p102-103/c

✓ p108/c

✓ p109/c

2 p112/c

0 p114/c

π p116-117/c

② para 7 of
COS Note at
DFA

Ref: pre-page

-28-

The COS note has been modified as directed

Jumadha I. Magli

12/12/2011

~~JS(AT&A)~~

May like to see, before it is resubmitted to Cabinet Secretariat. The comments received from 3 Ministries/Departments have been annexed at Annexure VI.

~~Secretary(1)~~

~~J(AT&A)~~

12/12

~~Amoli~~
18/11/11

12/12

Dir(1)

COS Note is placed below for signature of JS(AT&A) please.

Dir(IR) - On leave
~~JS(AT&A)~~

14/12/11

15/12

~~JS~~
15/12

~~JS(1)~~

~~Dir(IR)~~

Sir,
Recd. today
15/12/11

- 29 -

Department of Personnel & Training
(IR Section)

Subject: Note for CoS on the Report of Task Force.

Referring to our ID Note dated 26.12.2011 regarding Note for CoS on the implementation of the recommendations of the Task Force on Section 4 of the RTI Act, 2005, Cabinet Secretariat has advised us to pursue and expedite the comments of all Ministries/Departments before the proposed Note is considered by the CoS.

2. As desired a draft reminder to the Ministries/Departments whose comments are yet to be received, is placed below for kind approval of Director(IR).

[Signature]
23/1/12

ME (IR)

[Signature]
23/1

Dir (IR)

[Signature]
23/1

US (IR)

Section 4 of the RTI Act, 2005 provides for a regime of voluntary or suo motu disclosure by Public Authorities. All Public Authorities were required to publish information on various items listed in Section 4(1)(b)(i) to 4(i)(b)(xvii) within 120 days of the enactment of the Act and therefore to publish such information at regular intervals through various means of communication, including internet, so that the Public Authorities have minimum resort to the use of this Act to obtain information from Public Authorities. In addition to the above, Section 4(1)(c) lays down that Public Authorities will also publish all facts while formulating important policies or announcing the decisions which affect the public. Section 4(1)(d) lays down that Public Authorities will provide reasons for its administrative or quasi-judicial decisions to affected persons which has been a constant complaint by the civil society members and Information Commissions that suo motu or proactive disclosure of various Public Authorities are not up to the mark. The basic issue is that even though suo motu disclosure is made, the information is not of the quality as can be easily understood and used and also various Public Authorities have made the disclosure in different formats thus leading to hardships in accessing the data. Other issues which have been raised are language of proactive disclosures and to accessibility to proactive disclosures on internet only.

2. Keeping in mind this, the Department of Personnel & Training constituted a Task Force with members of civil society, Central Ministries/Departments and State Governments. The order constituting the Task Force is at p.1/cor. The Task Force first interacted in May, 2011 and thereafter the sub-groups of the Task Force interacted with other stakeholders during a National Workshop held in July, 2011.² The report was finalised in August 2011.

3. Thereafter it was decided to place the report before the COS after circulating it to the concerned Ministries. The report along with a COS note was circulated to the Ministry of Panchayat Raj, Department of Rural Development, Department of Food and Public Distribution, Department of School Education and Literacy, Department of Information Technology, Department of Expenditure and Department of Administrative Reforms and Public Grievances. Comments on the Task Force report were not very forthcoming. The note was submitted to COS on 2.11.2011. COS returned the note with the directions that comments of all Ministries/Departments may be sought. The note was again circulated in December, 2011. Since no further significant comments were received, the note was re-submitted to COS. Cabinet secretariat was of the view that the meeting of COS could only be convened after adequate number of responses have been received.

Ministries/Departments were reminded in January 2012 and till date only 25 Ministries/Departments have responded. In the meantime, Prime Minister's Office has desired that information regarding official tours of Ministers and officials should also be displayed under proactive disclosure under website of various Ministries/Departments.

y p 186.

n p 244/c

4. Responses received from various Ministries/Departments are at Flag "A".

5. Keeping in view the recommendations of the Task Force an O.M. has been attempted alongwith detailed guidelines, the first to be implemented by the Central Government Ministries/Departments and the second to be implemented by State Governments. The OM and the guidelines are based on the recommendations of the Task Force which can be taken for implementation immediately. The recommendations have been suitably modified to take into cognizance the views of the Ministries/ Departments. Recommendations which would require further consultation have not been included in the present guidelines.

6. The recommendations of the Task Force were made in the following areas:

- i. Prescribing additional items for suo motu disclosure under Section 4(1)(b)(xvii)
- ii. Guidelines for facilitating disclosure at different levels of government-suggested templates for key areas.
- iii. Guidelines for digital Publication of proactive disclosures under Section 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activists
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof
- vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

7. The guidelines for Central Government Ministries/Departments are based on recommendations given on

- i. Prescribing additional items for suo moto disclosure under Section 4(1)(b)(xvii)
- ii. Guidelines for digital Publication of proactive disclosures under Section 4.
- iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv)
- iv. Compliance with provisions of Suo Motu (Proactive disclosure) under the RTI Act, 2005.

8. The guidelines framed for the State Governments include templates suggested for key areas - guidelines for facilitating disclosure at different levels of government. These are in addition to the guidelines prescribed for the Central Government Ministries and Departments.

9. Recommendations at para 6 (v) and 6(vi) are policy issues and need to be deliberated on before guidelines on them can be issued. It is for consideration whether this department again requests the COS to consider the report of the Task Force or issues the guidelines placed below.

Anuradha S. Chagti

(Anuradha S. Chagti)
Director (IR)/12.3.2012

JS (AT&A)

Inputs have been received now from 29 Ministries / Depts ; as was asked by Cabinet Secretariat .
We may again go to COS for issue of Guidelines on Svo mot. disclosure .

Mangrulkar
9/4/12

Secretary (P)

- 1) What are the comments from 29 Ministries?
Are there any points of disagreement with us?
- 2) What is the role of CIC's and SIC's in this? In many countries CIC's play a proactive role in giving guidance, evaluating and monitoring svo-mot disclosures.

Per (IR)

Pl discuss


mf
10/4

JS/AT&A)

h
9/4/2012

Reference observations of Secretary (P) on pre-page.

- ✓ F/A
2. Out of 27 Ministries/Departments, 23 have responded. Comments offered by 23 Ministries/Departments have been tabulated and is enclosed with the note for CoS as Annexure - VII. None of the Ministries/Departments has expressed its disagreement with Draft CoS.
 3. In so far as role of Commission, Central or State, as the case may be, is concerned, they will monitor the implementation of compliance of Section 4(1)(b) by a senior officer of the Public Authority.
 4. Revised CoS Note is placed below for approval.


(R.K. Girdhar)
Under Secretary (RTI)
18.05.2012

Director (IR)

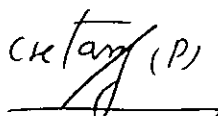
The Revised CoS note with the proposed guidelines at Annexure VI and comments of Min/Depts are at Annexure VII. A complete set of the CoS will be made once the Revised CoS note and proposed guidelines are approved.

Jumadha S. Chaghi
18/5/2012

SSCAT (A)

As directed the CoS note and guidelines have been revised. Submitted for approval.

SSCAT (K)

As discussed with Secretary (P) revised Guidelines for Sec Motu disclosure are put up for approval by CoS.
Secretary (P) 
Manoj Joshi
28/5/12


1) We are seeking approval of the CoS on Annexure IV - to be implemented immediately - but the issues on pgs 228 and 299 of the CoS note are to be considered

later - then why is it put in Annex IV .

(2) The detailed guidelines to be issued are at Annex V - is it the usual practice to seek approval of the COS on this too?

(3) Some objections have been raised by some departments like Space, Home etc which we have accepted. But this does not find any mention in Annex IV - why?

JS/AT+A).


30/5/2012.

Reference: Secretary (P)'s queries on pre=page

2. The Annexure IV and V have been suitably amended. The issues of threat to RTI Activists, and policy on consultation which are not a part of suo-motu disclosure and which would need more action on the part of DoPT have been shifted to Annexure V, as recommendations to be accepted but taken up at a later date. India does not have a policy on consultation at various levels and therefore if the recommendation is accepted an approach paper would need to be made and circulated. As the concerned Ministries have not suggested any changes in them they have been shifted from Annexure V to Annexure IV as recommendations to be accepted and implemented immediately.

3. The then Secretary had proposed to seek the approval of COS on the Task Force report. A COS along with the report was sent to the Cabinet Secretariat twice and the Cabinet Secretariat desired that views of all Ministries/ departments may be sought. The same has been done. Guidelines have been framed keeping in view the suggestions/ comments received from the Ministries/ Departments. As the guidelines elaborate some of the recommendations of the task force and encompass the views of different Ministries/ Departments the guidelines have been placed for approval.

4. Annexure IV only deals with recommendations of task force which are being accepted. The guidelines in Annexure VI are based on the recommendations for suo-motu disclosure which can be implemented immediately and it also elaborates them for implementation and included the suggestions of the Ministries/ Departments which have been accepted.

Submitted

Anuradha S. Chagti
(Anuradha S. Chagti)
Director IR/31/5/2012

JS (AT&A) *Comments of various Ministries & our response is detailed in Annexure VII*

Mang Joshi
31/5/12

Secretary (P)

Pl discuss.

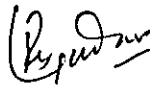
M
31/5

JS (AT&A)

The then Secretary(P) had proposed to seek the approval of COS on the implementation of Recommendations of Task Force for strengthening compliance with provisions for suo motu/proactive disclosures under Section 4 of the RTI Act, 2005. Accordingly a COS note, along with the report was sent to the Cabinet Secretariat twice and the Cabinet Secretariat had desired that views of all Ministries/Departments may be sought, which has been promptly complied upon. Guidelines have been framed keeping in view the suggestions/comments received from the Ministries/Departments. As the guidelines elaborate some of the recommendations of the Task Force and encompass the views of different Ministries/Departments, the guidelines have been placed for approval.

2. Committee of Secretaries is requested to consider the above proposal and accept the Report of the Task Force at **Annexure II**. The Committee of Secretaries is requested to approve the guidelines for implementation of the suo-motu disclosure under the RTI Act, 2005 at **Annexure IV**.

3. Revised CoS note is placed below for approval.



(R.K. Girdhar)

Under Secretary(RTI)

25.06.2012

Dir (IR) - O.L.
Dir (IR) - LO - away
JS (AT&A)

Mangesh
25/6/12

Secretary(P)

Why should the COS accept the report of the Task Force at Annexure II? The COS is only to consider the issue of suo-motu disclosures. It clarifies.

JS (AT&A)

M
28/6/12

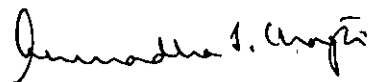
2/7

Dir (IR)

Reference: Secretary (P)'s queries on pre-page

The report of the Task Force on Suo-Motu disclosure contains recommendations aiming for a more qualitative disclosure under Section 4(i)(b) of the RTI Act, 2005. The report of the Task Force needs to be accepted, before guidelines framed on the basis of these recommendations are issued. The report was circulated to all Ministries/ Departments of the Government of India, and no major objections have been received on them. A few objections which were received were incorporated in the guidelines.

However, there maybe some recommendations which may not be acceptable to the COS, and they may have to be dropped. At present, guidelines have been framed only on the recommendations which, prima facie seem acceptable, and can be taken up for implementation immediately. Two major recommendations on threat to RTI Activists, and policy on consultation which are, as such, not a part of suo-motu disclosure have not been covered in the guidelines as they would need further deliberation. In case, these recommendations are accepted, consultations with Ministry of Home Affairs on the issue of threat to RTI Activist would need to be held and an approach paper on the policy of consultation would need to be framed.



(Anuradha S. Chagti)
3/7/2012-Director(IR)

JS (AT&A)



There is no specific need for Government of India or CoS to accept the Report of the Task Force. Government of India, either at the level of DoPT or CoS only need to approve the guidelines being issued on pro-active disclosure. As two of the recommendations of the Task Force on threat to RTI activists and policy on public consultation have not been examined and the consultations with other Ministries have not been held, the Report of the Task Force relating to these aspects, presently, cannot be accepted by the Government. In that case, Government could only accept certain chapters of the Task Force which may not be appropriate. Therefore, as noted by Secretary (P) on page 36/n, we may approach CoS only for approval of the guidelines and not to accept the Report of the Task Force.

Draft CoS Note, as modified, may be approved.

Manoj Joshi.

(Manoj Joshi)

Joint Secretary (AT&A)

04.07.2012

Secretary (Personnel)

JS(AT&A).

[Signature]
5/7/12.

[Signature]
6/7/12
Dir (IR)

The CoS note has been amended accordingly.
The note is submitted for signature of JS (AT&A)
at Pt. 'A'

JS(AT&A)

[Signature]
9/7/2012

[Signature]
10/7/2012

Dir (IR)

Manoj Joshi.
9/7/12

Subject:- Meeting of Committee of Secretaries at 3.30 P on
14.8.2012.

A Note was sent to the Cabinet Secretariat on 10th July, 2012 seeking approval of Committee of Secretaries (CoS) on the guidelines framed on the recommendations of a Task Force set up by DOPT for strengthening compliance with provisions for suo motu disclosures as provided in Section 4 of RTI Act, 2005.

2. The meeting of CoS is scheduled to be held today i.e., 14.8.2012 at 3.30 P.M in the Committee Room, Cabinet Secretariat. The CoS Note circulated by us is at F/X.

[Signature]
14/8/12

~~USC (IR)~~

hm
14/8/12

~~Dir (IR)~~

Qumada S. Magti
14/8/2012

~~JSCAT (A)~~

Mtg postponed

~~Dir (IR)~~

Mang Jesh
14/8/12

~~USC (IR)~~
16/8/12

Ref note above.

The meeting of COS will be held today i.e. 14.9.2012 at 3.30 PM.

~~DS (IR)~~

Mtg postponed

hm
14/9/12

~~DS (IR)~~
17/9

Mang Jesh
14/9/12

~~US (IR)~~

Cabinet Secretariat has fixed the COS Meeting for 17th October 2012 at 3.30 PM to consider the implementation of recommendations of Task Force for strengthening compliance with provisions for Suo Moto Disclosure under Section 4 of RTI Act, 2005.

A draft I.D. note to Cabinet Secretariat requesting them to convene the meeting on 17th October itself as we have an RFD target to be achieved by 31.12.2012, is put up for approval please.

hm
28/9/12

Dir (IR)

vs (IR)

SO (IR)

hm
5/10

Jumadha S. Nayak
5/10

A meeting of the Committee of Secretaries on implementation of recommendations of Task Force set up by DOP&T for strengthening compliance with provisions for Suo Motu Disclosures under Section 4 of the RTI Act, 2005 is scheduled to be held tomorrow i.e. **17th October, 2012 at 3.30 PM** in the Committee Room, Cabinet Secretariat, Rashtrapati Bhawan.

2. The COS Note is placed at flag X.

Din (IR)

US (IR)

Meeting postponed

Gunnadla S. Anjan
17/10

hm
16/X/12

A proposal to seek approval of Committee of Secretaries on the guidelines framed on the recommendations of a Task Force set up by this Department for strengthening compliance with the provisions of Suo Motu disclosures as given in Section 4 of the RTI Act, 2005 was submitted to Cabinet Secretariat vide Note for Committee for Committee of Secretaries dated 10th July 2012. The meeting of the Committee of Secretaries has been postponed thrice and now fixed for 31st October, 2012.

2. The issue of Guidelines on Suo Motu disclosure is a RFD target for this Department. The target date is 31.12.2012. The Guidelines have to be issued bilingually after approval for which this department would need sufficient time.

3. A draft d.o. letter from Secretary(P) to Cabinet Secretary with the request to hold the COS meeting on 31st October, 2012 itself without any further postponement, is put up for approval please.

✓ DFA

hm
23/10/12

Dir (IR)

JS (A/R)

Jinnadha S. Chagti
23/10/2012

Manoj Joshi
23/10/12

Secretary (P)

JS (AT+A)

h
25/10/12

File returned with a request for a brief for the note. Scheduled on 31/10/12

hanya
25/10/12

PS to JS (AT+A)

ny
25/10/12

Dir (IR)

gxe
26/10
US/R

hm
26/10
SO (IR)

The meeting of the Committee of Secretaries on implementation of recommendations of Task Force set up by DOP&T for strengthening compliance with provisions for Suo Motu Disclosures under Section 4 of the RTI Act, 2005 which was scheduled to be held today i.e. **31st October, 2012 at 3.30 PM** has been postponed.

2. As desired by Secretary(P), the file is submitted alongwith a draft d.o letter addressed to Cabinet Secretariat requesting for taking a decision on the guidelines for Suo Motu Disclosure in the COS meeting as soon as possible.
3. Submitted for approval please.

Dir (I/R)

JS (A/T/A)

Secretary (P)

JS (A/T/A)

my
31/10/12

Dir (I/R)

are
7/11/2012

USG (I/R)

SO (I/R)

hm
11/11

hm
31/10/12

Sanjay S. Gupta
31/10/2012

Manoj Joshi
31/10/12

hm
31/10/12

The meeting of the Committee of Secretaries on implementation of recommendations of Task Force set up by DOP&T for strengthening compliance with provisions for Suo Motu Disclosures under Section 4 of the RTI Act, 2005 which was scheduled to be held on 23rd November, 2012 at 5 PM in the Committee Room, Cabinet Secretariat, Rashtrapati Bhawan.

2. The COS Note is placed at flag X.


22/11/12

USCIR

hm
22/11

Dir/IR

Immaad S. Anaghi
22/11

~~ISCAT F. K)~~ h o

on
24/11/11

Inf(IR)

gse
23/11

USCIR

Department of Personnel & Training
(I.R.Section)

Subject:- Implementation of the Recommendations of Task Force for
strengthening Compliance with Provisions for Suo Motu /
Proactive Disclosures under Section 4 of the RTI Act, 2005.

In this file we have been processing a proposal to seek the approval of Committee of Secretaries for issue of guidelines framed on the basis of recommendations of a Task Force set up by the DOPT for strengthening compliance with the provisions of *Suo Motu* disclosures as given in Section 4 of the RTI Act, 2005. A Note was submitted to Cabinet Secretariat on 10th July, 2012 for consideration of the CoS. Though the meeting of CoS has repeatedly been fixed by the Cabinet Secretariat, the same could not be held so far and therefore, there is no finality in the matter.

2. In the meanwhile the matter has been reviewed within DOPT so as to find out the competence of DOPT to issue the guidelines proposed in the Note for CoS. In this connection it is submitted that after RTI Act, 2005 came into existence, DOPT has been issuing several guidelines and instructions aiming at effective implementation of various provisions of RTI Act without referring the matter to COS.

3. It is submitted that there are seven ⁺categories of cases that can be referred to CoS by a Ministry/Department. This case falls in the category in which a Secretary of a Department desires advice of CoS on a subject assigned to his charge. It may be recalled that decision to refer the matter to CoS was taken in the meeting of SOM held on 13.09.2011.

4. The Report of the Task Force has been circulated among Ministries/Departments and the suggestions received from them have been incorporated in the proposed guidelines. There are no irreconcilable difference(s) of opinion between DOPT and other Ministries warranting the intervention of CoS.

5. It is understood that the meeting is likely to be convened in the last week of December, 2012. The issue of guidelines is an RFD target to be achieved by 31.12.2012.

6. In view of the above position, it is proposed for consideration whether we may withdraw the CoS Note from the Cabinet Secretariat and thereafter submit a self-contained Note to MoS(PP) seeking approval for issue of guidelines for *Suo Motu* Disclosure by Central Ministries/Departments and State Governments.

Submitted for consideration please.

ucl(r)

Sig(R)

IS (R) (S)

hm
29/11/12

GMM
29/11/12

Jumadun S. Magno
29/11

X | In the light of RFD deadline & also the need to issue the guidelines urgently & the fact that inter Ministerial consultation has already been held & views of Ministries have been incorporated in the draft guidelines,

the COS note may be withdrawn & guidelines may be put up for approval of MoS(PP)

Secretary(PP)

Mangesh
29/11/12

We should mention the contents of para 344 and X on prepage in our letter to Cab Secs.

~~JS(AT&A)~~

~~Div(IR)~~

31/12

31/12/12

30/11/12

US(IR) hm
3/12

SO(IR)

Modified draft is put up for approval pt.

Gm
3/12

~~US(IR)~~

hm
3/12

~~DS(IR)~~

~~Dir(IR)~~

JS(AT&A) on leave.

JS(E) 2.0

Secretary(PP)

Jinnabhai S. Gogte

6/12

7/12/12

Why so much delay? This is

bad. Issue today

US(IR)

JS(E)

2/12/12


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DS(12)

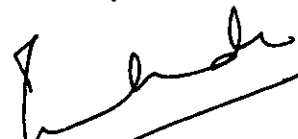
The meeting of the Committee of Secretaries on implementation of recommendations of Task Force set up by DOP&T for strengthening compliance with provisions for Suo Motu Disclosures under Section 4 of the RTI Act, 2005 is scheduled to be held on 12th December, 2012 at 12 noon in the Committee Room, Cabinet Secretariat, Rashtrapati Bhawan.

2. The COS Note is placed at flag X.

DS(IR) 
11/12

hm


~~JS(E)~~ It has been ascertained from AS, Cabinet Secretariat Sh. H.C. Goyal that the COS 'Scheduled for 12.12.2012 on Suo Motu Disclosure' will be held tomorrow; Minutes would be issued next day for DOP to meet its RFI target date. Submitted for information please.


14/12/12

Secretary (4)


JS(E)

Brief pl.


11/12/12

Dir (IR)

to DS (IR)


11/12/12


11/12

JS (IR)

Guidelines for Proactive Disclosure under Section 4 of the RTI Act, 2005

Section 4 of the RTI Act, 2005 provides for a regime of voluntary or suo motu disclosure by Public Authorities. All Public Authorities were required to publish information on various items listed in Section 4(1)(b)(i) to 4(i)(b)(xvii) within 120 days of the enactment of the Act and therefore to publish such information at regular intervals through various means of communication, including internet, so that the Public Authorities have minimum resort to the use of this Act to obtain information from Public Authorities. In addition to the above, Section 4(1)(c) lays down that Public Authorities will also publish all facts while formulating important policies or announcing the decisions which affect the public. Section 4(1)(d) lays down that Public Authorities will provide reasons for its administrative or quasi-judicial decisions to affected persons which has been a constant complaint by the civil society members and Information Commissions that suo motu or proactive disclosure of various Public Authorities are not up to the mark. The basic issue is that even though suo motu disclosure is made, the information is not of the quality as can be easily understood and used and also various Public Authorities have made the disclosure in different formats thus leading to hardships in accessing the data. A major reason for this is the absence of a compliance mechanism for ensuring implementation of the above provisions. Other issues which have been raised are language of proactive disclosures and accessibility to proactive disclosures on internet only.

2. Keeping in mind this, the Department of Personnel & Training constituted a Task Force with members of civil society, Central Ministries/Departments and State Governments. The order constituting the Task Force is at p.1/cor. The Task Force finalised its report in August 2011 and made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure under Section 4(1)(b)(xvii)
- ii. Guidelines for facilitating disclosure at different levels of government-suggested templates for key areas.
- iii. Guidelines for digital Publication of proactive disclosures under Section 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activists
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof

vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

3. The report was circulated to all Ministries/ Departments of Government of India. Comments were received from 25 Ministries/ Departments. After considering all comments, guidelines were framed on the recommendations which could be taken up for implementation immediately. It was decided that decisions on steps to be taken in matters relating to threat to RTI activists and guidelines on consultation with public in relation to the formulation of policies and implementation thereof would be taken later on. The guidelines for Central Government have been framed on prescribing additional items for suo motu disclosure under Section 4(1)(b)(xvii); guidelines for digital Publication of proactive disclosures; Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv); and compliance mechanism. The guidelines for State Government include guidelines for facilitating disclosure at different levels of government- suggested templates for key areas.

4. The Guidelines were placed before the COS in its meeting on 12.12.12. The COS after discussion decided on the following:

- i. To delete the line "which may change subsequently" in para 1.1 of the draft guidelines.
- ii. To delete item 1.4 on sensitive posts from the guidelines.
- iii. To add FAQs to be uploaded on its website in context of para 1.5
- iv. To modify para 1.6 to read as "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".
- v. To add "subject to the provisions of section 8 to 11 of the RTI Act" to para 1.8.
- vi. To insert the following clause in para 2.2, after the Clause (k):-
"(l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'."
- vii. To modify para 3.3.3 as
 - 3.3.3(a) Every public authority may specifically identify the major outputs/tangible results/ services /goods **as applicable** that it is responsible for providing the public or to whosoever is the client of the public authority.
 - 3.3.3(b) **In respect of (a) above**, 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.

- viii. To disclose the names of the third party auditors in para 4.2.2(c)
- ix. To modify para 4.4 to provide for URL link to proactive disclosure to be provided on the CIC's website.
- x. The templates for State Governments maybe sent to them for their consideration.

The Department of Personnel and Training would issue the Guidelines after obtaining the approval of the Competent authority.

5. The guidelines have been modified as per the decision of the COS. The Guidelines. The guidelines have been divided into 4 sections, namely:

- a) Prescribing additional items for suo motu disclosure under Section 4(1)(b)(xvii). The guidelines under mandate disclosure of information on procurement, public private partnerships, Transfer policy and Transfer orders, RTI Queries and FAQs, CAG & PAC paras, Citizens Charters, Discretionary and Non-discretionary grants, and Foreign Tours of PM/Ministers.
- b) Guidelines for digital Publication of proactive disclosures under Section 4. The guidelines mandate making websites citizen centric and visitor friendly. To achieve the websites should disclose entitlements to citizens and procedure to access them through computer based interface, orders, Acts, Rules, forms used by citizens, directory of key contacts, digitally held information available over internet, information generation 'locked' to key work outputs, presentation from a user's perspective, implementation of National Data Sharing and Accessibility Policy and presentation of information and data in open data formats.
- c) Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv) dealing with the procedure followed in Public Authorities in the decision-making processes including channels of supervision and accountability; the norms set by a Public Authority for the discharge of its functions; the budget allocated to each of a Public Authority agency indicating the particulars of all plans, proposed expenditures and reports on disbursements made; and details in respect of the information, available to or held by a public Authority, reduced in an electronic form.
- d) Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005 which includes formulation of a proactive disclosure, third party audit, appointment of nodal officer and reporting to CIC.

6. The guidelines framed for the State Governments include templates suggested for key areas - guidelines for facilitating disclosure at different levels of government. These are in addition to the guidelines prescribed for the Central Government Ministries and Departments.

7. All disclosures under the above guidelines are subject to exemptions under Sections 8 to 11 of the RTI Act, 2005. The guidelines are mandatory for Central Government Ministries and Departments and they are being endorsed to State Governments for consideration.

8. The OM and Guidelines are submitted for approval before issue. The issue of guidelines is a RFD target for 31st December, 2012.

Anuradha S. Chagti
(Anuradha S. Chagti)
Director (IR)/24.12.2012

JS (AT&A)

Secretary IR

MOS (PP)

V. A.
26/12/12

Manoj Joshi

24/12/12

26/12/12

AS(R)

27

PM.

27/12/2012
lop 36-75762

Discussed with Secretary (S) regarding not from

PMO dt 8/1/2013

-52-

We may seek opinion of O/o Legal Affairs on
for our motivation
(1) whether additional items ~~are necessary~~
could be issued through executive instructions
or they have to be issued as Rules under
RTI Act. If they are issued as
executive instructions, whether they would
be binding or mandatory for central
Govt departments/organizations & employees

(11) The proposed clarifications on items

already included in sec 4(1)(b),

whether they could be issued as rules
under the RTI Act. Whether they must
be issued as rules & mandate them or
it could be done through executive

instructions

DS(PF) 0 151
Mangal. 11/1/13

VSC (TR)

Department of Personnel & Training
(I.R.Section)

Subject:-Guidelines for Proactive Disclosure u/s 4 of the RTI Act,2005.

Department of Personnel & Training constituted a Task Force on Suo motu/ Proactive Disclosures under RTI Act with Members of Civil Society, Central Ministries / Departments and State Governments. The Task Force in its report made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii)
- ii. Guidelines for facilitating disclosure at different levels of Government-suggested templates for key areas
- iii. Guidelines for digital publication of proactive disclosures u/s
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv)
- v. Steps to be taken in matters relating to threat to RTI activists
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof.
- vii. Compliance with provisions of suo-motu (Proactive Disclosure) under the RTI Act,2005.

2. Based on the recommendations of the Task Force and after consultation with 25 Ministries/Departments, guidelines for Central Government have been framed on prescribing additional items for suo motu disclosures u/s 4(1)(b)(xvii); guidelines for digital publication of disclosures u/s 4; Detailing Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(ix) and 4(1)(b)(xiv) and compliance mechanism. The draft guidelines were placed before the CoS in its meeting held on 12.12.12. Based on the decisions taken in the meeting of CoS, guidelines have been modified as detailed at page 50/ante. The modified guidelines are at DFA.

4-T/X
3. In this regard, Prime Minister's Office has made the following observations:

"DOPT has not clarified in the proposal whether DOPT can 'prescribe' or 'mandate' suo motu disclosure of additional items through guidelines. In this connection, attention is drawn to Section 4(1)(b)(xvii) of the RTI Act which stipulates that a public authority shall published within 120 days from the enactment of the Act 'such other information as may be prescribed'. Further Section 2(g) states that 'prescribed' means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be.

In view of the above, the undersigned is directed to request the Department to submit its views, after consultation with Ministry of Law & Justice, on the requirement of framing rules for that part of the guidelines which is intended to be made binding on public authorities"

4. Accordingly, Department of Legal Affairs, Ministry of Law is requested to tender their advice / opinion on the following issues:

- (i) Whether additional items for suo-motu disclosure could be issued through executive instructions or they have to be issued as Rules u/s 27 of the RTI Act. If they are issued as executive instructions, whether they would be binding or mandatory for Central Government Departments / organizations and employees.
- (ii) Regarding the proposed clarification on items already included in Section 4(1)(b), whether they must also be issued as 'Rules' to mandate them or it could be done through executive instructions.

From pre-page

5. Department of Legal Affairs may please see and tender their advice / opinion on the points mentioned on pre-page to enable this Department for apprising PMO at the earliest.

Km
15/1/13

US(IR)

DS(IR)

8
15/1

Department of Legal Affairs
(Shri D.Bhardwaj, JS&LA)

SL
17/1/13
Dy LA (RSV)

185
15/1/13

Ministry of Law & Justice
Department of Legal Affairs

FTS No.185 /Adv-A/2013

F. No.1/6/2011-IR

DoPT has sought our advice on the following issues:

- (i) Whether additional items for suo-motu disclosure could be issued through executive instructions or they have to be issued as Rules u/s 27 of the RTI Act? If they are issued as executive instructions, whether they would be binding or mandatory for Central Government Departments/organizations and employees?
- (ii) Regarding the proposed clarification on items already included in Section 4(1)(b), whether they must also be issued as 'Rules' to mandate them or it could be done through executive instructions?

2. On the basis of the recommendations of a Task Force on Suo-motu Proactive Disclosure under RTI Act with members of civil society, Central Ministries/Department and State Governments, constituted by the Department, it is proposed to issue guidelines for Central Government to prescribe additional items for suo motu disclosures u/s 4(1)(b)(xvii), guidelines for digital publication of disclosures u/s 4, detailing section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi), 4(1)(b)(xiv) and compliance mechanism.

3. It is noticed that PMO has observed that DoPT has not clarified in the proposal whether DoPT can 'prescribe' or mandate suo motu disclosure of additional items through guidelines. In this connection, attention has been drawn to Section 4(1)(b)(xvii) of the RTI Act which stipulates that a public authority shall publish within 120 days from the enactment of the Act 'such other information as may be prescribed'. Further, Section 2(g) states that 'prescribed' means prescribe by rules made under this Act by the appropriate Government or the competent authority, as the case may be.

4. Attention is drawn to sub-section (3) and (4) of section 26 of the RTI Act regarding preparation of programmes by the Government and update and publish the guidelines at regular intervals. There is prescription of the various details in Clause (a) to (i) of sub-section 3 of Section 4 and it has been stated that these are without prejudice to the generality of sub-section 2 of the Act. Clause (g) of this sub-section provides for the provisions regarding voluntary disclosure in accordance with Section 4.

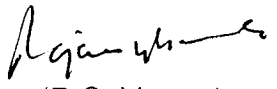
5. We also draw attention to the provisions of sub section (2) of section 4 of the Act, which stipulates that it shall be constant endeavour of every public authority to take steps in accordance with the requirement of clause (b) of sub-section (1) of section 4 of the Act to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

6. From combined and harmonious reading of the provisions of the Act, including sections 26(3) and 4 (2) of the Act, it is clear that it is within the domain of the Central Government to issue guidelines to achieve the objects of the Act so that the public have minimum resort to the use of this Act to obtain information. Such guidelines can be issued either as the Rules or executive instructions and there would be no legal objection to issuing


FTS No.185 /Adv-A/2013
F. No.1/6/2011-IR

the guidelines/clarifications as 'Rule' u/s 27, if the same can be done by the Government, keeping in view the need for amending/updating the same from time to time, if considered necessary and so decided. There would also appear to be no objection if these guidelines are issued as executive instructions. Both will appear to be binding on the Government Ministries / Departments and organisations thereunder, as these are being proposed to be issued in exercise of the powers conferred on the Government under the provisions of the Act.

May kindly see.


(R.S. Verma)
Deputy Legal Adviser
17.01.2013

JS&LA (Shri D. Bhardwaj)


17.01.2013

Dy LA (R.S.V.)



17.1.2013

DOPT (IR)

185/13
18/1/13

Department of Personnel & Training .
(I.R. Section)

Subject:- Guidelines for Proactive Disclosure under Section 4 of the RTI Act, 2005

Department of Personnel & Training constituted a Task Force on suo motu/ Proactive Disclosures under RTI Act with Members of Civil Society, Central Ministries/ Departments and State Governments. The Task Force in its report made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii).
- ii. Guidelines for facilitating disclosure at different levels of Government - suggested templates for key areas.
- iii. Guidelines for digital publication of proactive disclosures u/s 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(~~ix~~) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activities.
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof.
- vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

2. Based on the recommendation of the Task Force and after consultation with 25 Ministries/ Departments, guidelines for Central Government have been framed on prescribing additional items for suo motu disclosures u/s 4(1)(b)(xvii); guidelines for digital publication of disclosures u/s 4; Detailing Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(~~ix~~) and 4(1)(b)(xiv) and compliance mechanism. The draft guidelines were placed before the CoS in its meeting held on 12.12.2012. Based on the decisions taken in the meeting of CoS, guidelines have been modified, as detailed at page 50/ante. The modified guidelines are at DFA. The modified guidelines were submitted to PMO for approval, before issue.

3. In this regard, Prime Minister's Office [✓] has made the following observations:

"DOPT has not clarified in the proposal whether DOPT can 'prescribe' or 'mandate' suo motu disclosure of additional items through guidelines. In this connection, attention is drawn to Section 4(1)(b)(xvii) of the RTI Act which stipulates that a public authority shall published within 120 days from the enactment of the Act 'such other information as may be presribed'. Further Section 2(g) states that 'prescribed' means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be."

4. In view of the above, PMO asked this Department to submit its views, after consultation with Ministry of Law & Justice, on the requirement of framing rules for that part of the guidelines which is intended to be made binding on public authorities. PMO further asked this Department to apprise them of the compliance levels of the earlier guidelines.

5. Regarding the compliance level of the earlier guidelines issued by this Department, it is pertinent to mention that all these guidelines were of

procedural or clarificatory in nature. With regards to guidelines related to Section 4 of the RTI Act, the following OMs have been issued :

- i. Regarding maintenance of records and publication of information vide OM dated 21/09/2007. ✓
- ii. Regarding maintenance of records vide OM dated 20/01/2010, in pursuance to CIC order. ✓
- iii. Regarding suo-moto disclosure on official tour of Ministers and other officials vide OM dated 11/9/2012. ✓

OMs at Sr. No. (i) & (ii) above are regarding general maintenance of records in consonance with Section 4 of the Act. It is very difficult to evaluate the compliance level of such general guidelines. OM at Sr. No. (iii) has been issued recently.

6. As asked by PMO, Department of Legal Affairs, Ministry of Law was requested to tender their advice/ opinion on the following issues:

- a. Whether additional items for suo motu disclosure could be issued through executive instructions or they have to be issued as 'Rules' u/s 27 of the RTI Act. If they are issued as executive instructions, whether they would be binding or mandatory for Central Government Departments/ organizations and employees.
- b. Regarding the proposed clarification on items already included in Section 4(1)(b), whether they must also be issued as 'Rules' to mandate them or it could be done through executive instructions.

7. As per the opinion of Department of Legal Affairs, Ministry of Law, it is within the domain of the Central Government to issue guidelines to achieve the objects of the Act so that public have minimum resort to the use of this Act to obtain information. Such guidelines can be issued either as the 'Rules' or executive instructions. There would be no objection to issuing the guidelines/ clarification as 'Rules' u/s 27. There would also appear to be no objection if these guidelines are issued as executive instructions. Both will appear to be binding on the Government Ministries/ Departments and organisations thereunder, as these are being proposed to be issued in exercise of the powers conferred on the Government under the provision of the Act.

8. From the opinion of the Department of Legal Affairs, Ministry of Law, it is clear that the said guidelines/ clarification can be issued by DOPT either as 'Rules' u/s 27 or as executive instructions. In this regard, the following points may be considered before arriving at a decision:

- I. 'Rules' appear to have more "legal" and "psychological" binding force.
- II. The executive instructions are also binding on the Central Government Ministries/ Departments and organizations thereunder.
- III. Prescribing Rules u/s 27 is a lengthy and complicated process, while the same result can be achieved through issue of executive instructions, which is simpler and less time consuming.
- IV. Rules once prescribed are rigid and any amendment to rules can be made only through another set of rules, while there is considerable flexibility with regard to executive instructions. Any amendment in the executive instructions can be easily made by issuing another executive instruction.

Pg 55-56/n

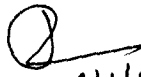
V. Since suo motu disclosure by the public authorities is still in the evolving stage and it is a continuous process, considerable amount of flexibility is practically required in guidelines related to suo motu disclosure to be issued from time to time.

9. In view of above, it is proposed that the said guidelines/ clarification may be issued as executive instructions, as proposed earlier. It is also pertinent to mention that issuing of guidelines for suo motu disclosure is a RFD target for 31/12/2012.

10. However, it is also proposed that to avoid any legal complications, instead of using the words "Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii)" at point no. 1 of the proposed guidelines, we may simply mention "suo motu disclosure of the following items in compliance with the provisions of Section 4 of the RTI Act". This portion of guidelines will then be similar to the guidelines already issued regarding suo motu disclosure on official tour of Ministers and other officials, issued by DOPT vide OM no. 1/8/2012-IR dated 11.9.2012, after the approval of PMO.

11. In view of above, It is requested to approve the draft OM and guidelines, with slight modifications as mentioned at para 10 above, before issue.

Submitted please.


(Sandeep Jain)
DS (IR)
18/01/2013

JS(AT/A)

Mang Joshi
18/1/13

Secretary (P)

Shri Dheeraj Gupta

JS, PMO

M
19/1/13.

Min Law Secretary
Py. No. 443...
Date 31/1/13.

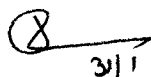
JS - Pl. speak
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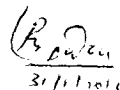
JS (DB)
31.01.13

Ref. notes above & PMO's ID no. 600/31/C/65/2012 - ES 2 dt. 30.1.2013

The file has been sent to PMO for approval of para 10 above. JS to PM has returned the file with remarks that views of law secy. may be obtained on the issue. Secy, law may be requested accordingly.

DS (IR)


31/1


31/1/2013

Secy, DoLA, M/o Law & Justice.

-60-
Ministry of Law & Justice
Department of Legal Affairs

FTS No.443/LS/2013
F. No. 1/6/2011-IR

Subject: Guidelines for pro active disclosure under Section 4 of RTI Act, 2005 (the Act).

At the instance of PMO, (ID Note dated 30.1.2013) (**F/B**), the DoPT has requested for the views of the Law Secretary on the opinion given by us vide our note dated 17.1.2013 (p.55-56/N) on the following issues which were referred to us:

- I. Whether additional items for suo motu disclosure could be issued through executive instructions or they have to be issued as Rules u/s 27 of the RTI Act? If they are issued as executive instructions, whether they would be binding or mandatory for Central Government Departments/organizations and employees?
 - II. Regarding the proposed clarification on items already included in Section 4(1)(b), whether they must also be issued as 'Rules' to mandate them or it could be done through executive instructions?
2. In our note dated 17.1.2013(pp 55-56/n), we opined that "from combined and harmonious reading of the provisions of the Act, including sections 26(3) and 4 (2) of the Act, it is clear that it is within the domain of the Central Government to issue guidelines to achieve the objects of the Act so that the public have minimum resort to the use of this Act to obtain information. Such guidelines can be issued either as the Rules or executive instructions and there would be no legal objection to issuing the guidelines/clarifications as 'Rule' u/s 27, if the same can be done by the Government, keeping in view the need for amending/updating the same from time to time, if considered necessary and so decided. There would also appear to be no objection if these guidelines are issued as executive instructions. Both will appear to be binding on the Government Ministries / Departments and organizations there under, as these are being proposed to be issued in exercise of the powers conferred on the Government under the provisions of the Act."
3. In its ID note dated 8.1.2013(**F/A**), PMO had observed that DoPT had not clarified in the proposal whether DoPT can 'prescribe' or mandate suo motu disclosure of additional items through guidelines. In this connection, attention has been drawn to Section 4(1) (b) (xvii) of the RTI Act which stipulates that a public authority shall publish within 120 days from the enactment of the Act 'such other information as may be prescribed'. Further, Section 2(g) states that 'prescribed' means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be.
4. Section 26 of the RTI Act deals with preparation of programmes by the Government and updating and publishing the guidelines at regular intervals. There is prescription of the various details in Clauses (a) to (i) of sub-section (3) of Section 26 and it has been stated that these are without prejudice to the generality of sub-section (2) of this Section of the Act. Clause (g) of this sub-section (3) provides for the provisions regarding voluntary disclosure in accordance with Section 4. The guidelines/executive instructions issued by the Central Government in exercise of powers conferred u/s 26 of the Act, would be binding on the public authorities of the Government.

5. Sub section (2) of section 4 of the Act provides that it shall be constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) of section 4 of the Act to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information. The long title of the Act provides that this is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

6. In the light of the above, the Government can not only invoke the provisions of section 27 of the Act to prescribe "such other information" {vide Section 4(1)(b) (xvii)}, but also the provisions of section 26 of the Act to lay down guidelines for suo motu or proactive disclosure of information covered under Section 4(1)(b) of the Act. These guidelines / executive instructions will, no doubt, be binding on the public authorities (vide Jayantilal Amratlal Shodhan vs. F.N. Rana and others, AIR 1964 SC 648).

May kindly see

R.S. Verma
(R.S. Verma)
Deputy Legal Adviser
25.02.2013

JS&LA (Shri D. Bhardwaj)

JS

25.02.2013

I agree.

R
25.02.13

JS (13)

JS
25/2/13

JS

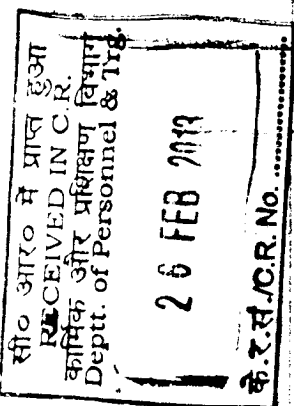
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DOPT (IR)

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JS (R.S.)

Out today

by S.

Sl. Adv. A

Recd. today
443/28/13
26/2/2013

IR

Department of Personnel & Training
(I.R. Section)

Subject:- Guidelines for Proactive Disclosure under Section 4 of the RTI Act, 2005

Reference : PMO's remarks dated 30/01/2013 to return the proposal to refer the matter back to Department of Legal Affairs for obtaining the views of Law Secretary in the matter.

Department of Personnel & Training constituted a Task Force on suo motu/ Proactive Disclosures under RTI Act with Members of Civil Society, Central Ministries/ Departments and State Governments. The Task Force in its report made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii).
- ii. Guidelines for facilitating disclosure at different levels of Government - suggested templates for key areas.
- iii. Guidelines for digital publication of proactive disclosures u/s 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activities.
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof.
- vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

2. Based on the recommendation of the Task Force and after consultation with 25 Ministries/ Departments, guidelines for Central Government have been framed on prescribing additional items for suo motu disclosures u/s 4(1)(b)(xvii); guidelines for digital publication of disclosures u/s 4; Detailing Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv) and compliance mechanism. The draft guidelines were placed before the CoS in its meeting held on 12.12.2012. Based on the decisions taken in the meeting of CoS, guidelines have been modified, as detailed at page 50/ante. The modified guidelines were submitted to PMO for approval, before issue.

3. In this regard, PMO made the following observations:

"DOPT has not clarified in the proposal whether DOPT can 'prescribe' or 'mandate' suo motu disclosure of additional items through guidelines. In this connection, attention is drawn to Section 4(1)(b)(xvii) of the RTI Act which stipulates that a public authority shall published within 120 days from the enactment of the Act 'such other information as may be prescribed'. Further Section 2(g) states that 'prescribed' means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be."

4. In view of the above, PMO asked this Department to submit its views, after consultation with Ministry of Law & Justice, on the requirement of framing rules for that part of the guidelines which is intended to be made binding on public authorities.

5. As asked by PMO, Department of Legal Affairs, Ministry of Law was requested to tender their advice/ opinion on the following issues:

- a. Whether additional items for suo motu disclosure could be issued through executive instructions or they have to be issued as 'Rules' u/s 27 of the RTI Act. If they are issued as executive instructions, whether they would be binding or mandatory for Central Government Departments/ organizations and employees.
- b. Regarding the proposed clarification on items already included in Section 4(1)(b), whether they must also be issued as 'Rules' to mandate them or it could be done through executive instructions.

pg 55-56/w
6. As per the opinion of Department of Legal Affairs, Ministry of Law, it is within the domain of the Central Government to issue guidelines to achieve the objects of the Act so that public have minimum resort to the use of this Act to obtain information. Such guidelines can be issued either as the 'Rules' or executive instructions. There would be no objection to issuing the guidelines/ clarification as 'Rules' u/s 27. There would also appear to be no objection if these guidelines are issued as executive instructions. Both will appear to be binding on the Government Ministries/ Departments and organisations thereunder, as these are being proposed to be issued in exercise of the powers conferred on the Government under the provision of the Act.

7. From the opinion of the Department of Legal Affairs, Ministry of Law, it is clear that the said guidelines/ clarification can be issued by DOPT either as 'Rules' u/s 27 or as executive instructions.

pg 55-56/w
8. It was proposed that the said guidelines/ clarification may be issued as executive instructions, for the reasons mentioned at pre-note. It is also pertinent to mention that issuing of guidelines for suo motu disclosure is a RFD target for 31/12/2012.

pg 57/w
9. It was also proposed that to avoid any legal complications, instead of using the words "Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii)" at point no. 1 of the proposed guidelines, we may simply mention "suo motu disclosure of the following items in compliance with the provisions of Section 4 of the RTI Act". This portion of guidelines will then be similar to the guidelines already issued regarding suo motu disclosure on official tour of Ministers and other officials, issued by DOPT vide OM no. 1/8/2012-IR dated 11.9.2012, after the approval of PMO.

10. The proposal was again sent to PMO for approval, before issue of guidelines. PMO returned the proposal to refer the matter back to Department of Legal Affairs for obtaining the views of Law Secretary in the matter.

pg 60-61/w
11. Accordingly, views of Law Secretary have been obtained, which are summarized as under:

"The Government can not only invoke the provisions of section 27 of the Act to prescribe "such other information" {vide section 4(1)(b)(xvii)}, but also the provisions of section 26 of the Act to lay down guidelines for suo motu or proactive disclosure of information covered under section 4(1)(b) of the Act. These guidelines / executive instructions will, no doubt, be binding on the public authorities."

12. Thus, as per the opinion of Law Secretary also, the said guidelines/ clarification can be issued either as 'Rules' u/s 27 of the RTI Act or as

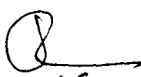
guidelines / executive instructions u/s 26 of the Act and these guidelines / executive instructions will be binding on the public authorities.

13. In this regard, the following points may be considered before arriving at a decision:

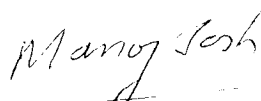
- I. 'Rules' appear to have more "legal" and "psychological" binding force.
- II. The executive instructions are also binding on the Central Government Ministries/ Departments and organizations thereunder.
- III. Prescribing Rules u/s 27 is a lengthy and complicated process, while the same result can be achieved through issue of executive instructions, which is simpler and less time consuming.
- IV. Rules once prescribed are rigid and any amendment to rules can be made only through another set of rules, while there is considerable flexibility with regard to executive instructions. Any amendment in the executive instructions can be easily made by issuing another executive instruction.
- V. Since suo motu disclosure by the public authorities is still in the evolving stage and it is a continuous process, considerable amount of flexibility is practically required in guidelines related to suo motu disclosure to be issued from time to time.
- VI. Section 26(3)(g) of the RTI Act provides that the appropriate Government shall, if necessary, update and publish guidelines at regular intervals which shall include the provisions providing for the voluntary disclosure of categories of records in accordance with section 4.

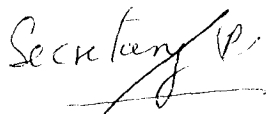
14. In view of above, it is proposed that the said guidelines/ clarification may be issued as executive instructions. Accordingly, It is requested to approve the draft OM and guidelines, with slight modifications as mentioned at para 9 above, before issue.

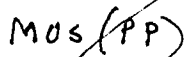
Submitted please.


26/2
(Sandeep Jain)
DS (IR)
26/02/2013


JS (AT & A)

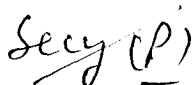

27/2/13


Secretary


MOS (PP)

27/2/13

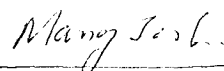
 27/2/13
Brief note may be sent to
Hon'ble Minister for P & A
for reference and may issue the
draft OM and guidelines.


Secy (P)

28/2/13

3711309

1/3
(S/AT & A)
Sh. Pheeray Gupta, JS, PMO


28/3/13

PMO vide ID no. 600/31/C/65/2012-ES-2
dated 9/4/2013 has conveyed that
Hon'ble PM has approved draft
on guidelines on implementation
of son motor disclosure; with
amendments.

The amended guidelines are
placed below for issue pt.
Draft Press release is also placed 8
below for approval pt. 1244

JS (AT + A)

Mang Joshi
15/4/13

Secretary (P)

MOS (PP)



15/4/13

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15/4/13

JS (A)

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15/4/13

JS (IR)

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12/4

So (IR)

DS (IA)
Deputy Secy 8
15/4

Department of Personnel & Training
(I.R. Section)

Subject:- Guidelines for Proactive Disclosure under Section 4 of the RTI Act, 2005

Department of Personnel & Training constituted a Task Force on suo motu / Proactive Disclosures under RTI Act with Members of Civil Society, Central Ministries/ Departments and State Governments. The Task Force in its report made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii).
- ii. Guidelines for facilitating disclosure at different levels of Government - suggested templates for key areas.
- iii. Guidelines for digital publication of proactive disclosures u/s 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activities.
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof.
- vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

2. Based on the recommendation of the Task Force and after consultation with 25 Ministries/ Departments, guidelines for Central Government have been framed on prescribing additional items for suo motu disclosures u/s 4(1)(b)(xvii); guidelines for digital publication of disclosures u/s 4; Detailing Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv) and compliance mechanism. The draft guidelines were placed before the CoS in its meeting held on 12.12.2012. Based on the decisions taken in the meeting of CoS, guidelines were modified. CoS also decided that the templates may be sent to the State Governments for their consideration.

3. The modified guidelines for the Central Government and DO letter and guidelines, along with templates for State Governments were submitted to PMO for approval of Hon'ble PM, before issue. PMO has approved guidelines for implementation of suo motu disclosure under Section 4 of the RTI Act, 2005 by the Central Government Ministries/Departments[#] and the same have already been issued on 15.04.2013 (Annexure I). However, the guidelines and templates for State Governments are yet to be approved.

4. The templates proposed for the State Governments are related to the following four areas:

- (a) Public Distribution System
- (b) Panchayats
- (c) MGNREGA
- (d) Primary and secondary schools

All these four areas constitute some of the most significant services being provided at the ground level. The guidelines are on the general principles

✓ pg 344/c

✓ pg 64/n

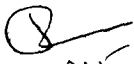
✓ pg 262/c

which should be adopted for disclosure at various levels. The guidelines and the templates, if adopted by the State Governments, would provide real benefits of suo motu disclosure to the common people at the ground level. As mentioned earlier, CoS has also decided that these templates may be sent to State Governments for their consideration. There has been such demand from the civil society also.

5. In view of above, it is proposed that the said guidelines, along with templates may be sent to the State Governments for their consideration. Draft DO letter and guidelines, along with templates (Annexure II) for State Governments are placed below.

4. File is submitted for seeking approval of Hon'ble PM, before issuing the D.O. letter and guidelines/templates for suo motu disclosure by the State Governments.

Submitted please.


(Sandeep Jain)
DS (IR)
17/05/2013


JS (AT & A)

Secretary (P)

MOS (PP)


24/5/13

Mang Joshi
17/5/13


21/5/13

Secretary

PM

- 68 -

Department of Personnel & Training
(I.R. Section)

Subject:- Guidelines for Proactive Disclosure under Section 4 of the RTI Act, 2005

Department of Personnel & Training constituted a Task Force on suo motu / Proactive Disclosures under RTI Act with Members of Civil Society, Central Ministries/ Departments and State Governments. The Task Force in its report made recommendations in the following areas:

- i. Prescribing additional items for suo motu disclosure u/s 4(1)(b)(xvii).
- ii. Guidelines for facilitating disclosure at different levels of Government - suggested templates for key areas.
- iii. Guidelines for digital publication of proactive disclosures u/s 4.
- iv. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv).
- v. Steps to be taken in matters relating to threat to RTI activities.
- vi. Guidelines for consultation with public in relation to the formulation of policies and implementation thereof.
- vii. Compliance with provisions of suo motu (Proactive Disclosure) under the RTI Act, 2005.

2. Based on the recommendation of the Task Force and after consultation with 25 Ministries/ Departments, guidelines for Central Government have been framed on prescribing additional items for suo motu disclosures u/s 4(1)(b)(xvii); guidelines for digital publication of disclosures u/s 4; Detailing Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv) and compliance mechanism. The draft guidelines were placed before the CoS in its meeting held on 12.12.2012. Based on the decisions taken in the meeting of CoS, guidelines were modified. CoS also decided that the templates may be sent to the State Governments for their consideration.

3. The modified guidelines for the Central Government and DO letter and guidelines, along with templates for State Governments were submitted to PMO for approval of Hon'ble PM, before issue. PMO has approved guidelines for implementation of suo motu disclosure under Section 4 of the RTI Act, 2005 by the Central Government Ministries/Departments and the same have already been issued on 15.04.2013 (Annexure I).

✓ F.X.
Pg 904/C

4. Now, PMO vide ID no. 600/31/C/65/2012-ES.2 dated 02/08/2013 has conveyed the approval of the Prime Minister to the proposal of the Department for issuance of guidelines for disclosure under section 4 of the RTI Act by the State Governments, along with templates for disclosure at various levels, with amendment in para 3 of Annexure II as under:

- Read out all information about benefits of schemes, budgets expenditure, MGNREGA works, payments etc in the Gram Sabha, Example - 'A' - works as a Gram Panchayat Secretary and a PIO in 'X' state. Even before the RTI Act was in place, **she/(he)** was fond of using folk lyrics as a medium of disseminating information. In **her/(his)** Gram Sabha, **she/(he)** talks about various schemes by connecting it with

incidents in the village and sings a folk song marking 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 multimedia vehicle used 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 stories of the use of information for achieving transparency in governance were screened.

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

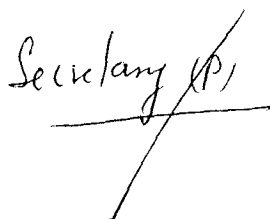
4. Accordingly, amendments have been made in Annexure - II. In addition, changes of grammatical nature and changes in the templates to make them more meaningful have been made.

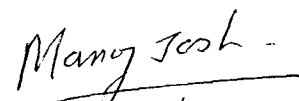
5. Draft DO letter and guidelines, along with templates (Annexure) for State Governments, as approved by PMO, are placed below for approval and signature of Secretary (P), before issue.


Submitted please.


(Sandeep Jain)
Director (IR)
31/10/2013

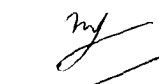
JS (AT & A)

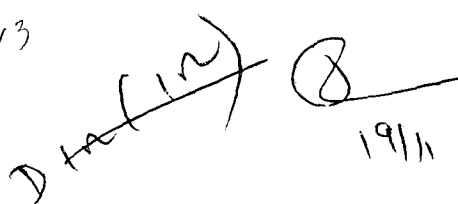

Secretary (P)


Manoj Joshi -
14/11/13


17.11.13

JS (AT & A)


18/11/13


Director (IR)

US (IR)
SO (IR)


21/11

✓ DFA
✓ Annexure

Forwarded
21/10/2013
14/11/13

FR 1 to V

FR-I-IV all dated 24.10.2013 are emails received from Sh. Mani Ram Sharma of Churu and regarding non compliance of the guidelines issued by this Department on suo motu disclosure under Section 4 of the RTI Act, 2005 by the Ministries /Departments and CIC and requesting to issue suitable instruction to these authorities regarding compliance within the mandated period. Sh. R.K. Jain (**FR-V**) has however, requested for monitoring of website of various Ministries/Department by the DOPT on this issue.

2. Government had set up a Task Force to, inter-alia, examine the provision of Section 4 and to recommend guidelines for disclosure to be made at various levels of administration, under the RTI Act. Govt. on the recommendation of the Task Force had issued guidelines on suo motu disclosure under Section 4 of the RTI Act, 2005 vide its OM dated 15.04.2013. The guidelines issued on 15.4.2013 for implementation of suo-motu disclosures under Section 4 of the RTI Act was to be made fully operational by the Ministries/Public Authorities by 14.10.2013. A compliance report was to be sent by them to DOPT and CIC. It has, however, been brought to the notice of this Department that many Ministries/Departments, including CIC, has not complied with the provisions of O.M. dated 15.4.2013.

3. A reminder may be issued to all Ministries/Departments and other public authorities to whom the O.M. was originally sent. Though the compliance of provisions of the RTI Act, 2005 is mandatory for all public authorities covered under Section 2 (h) of the Act, but in order to implement the RTI Act more effectively, if approved, we may issue an OM, reminder, to all Ministries/Departments requesting compliance with the OM dated 15.04.2013.

DFA please.

[Signature]
09/11/2013
R K GADGAL
JS-RTI

[Signature]

[Signature]
9/12

As modified

JSCAT & A)

[Signature]
9/12/13

[Signature]

[Signature]
9/12

US (RTI)

Modified o.m. is placed below for sign.

[Signature]
10/11/2013

[Signature]

[Signature]
10/12

FR is an e-mail dt. 14.10.2013 of Sh. S.C. Agarwal of Delhi regarding non compliance of Guidelines on Economic disclosure issued by this Deptt. on 15.04.2013 and requested to take action against defaulting Min./Deptt.

2. In this connection it is stated that this Deptt. Lno issued a Reminder to all Min./Deptt. on 12.12.2013 requesting them for compliance of the instruction of OM dated 15.04.2013 immediately and a report to this effect be sent to this Deptt. and to CICA also.
3. The response of the reminder is yet to recd. If appured, no action is required till any response is recd.

23.12.13
US(RTI)

(Signature)
23/12/2013

fn88

One of items in practice online disclosure guidelines issued by this Deptt on 15.4.2013 related to "compliance with the practice disclosure guidelines, as audit by third party" and its communication to the CIC & that it should be included as RFD target". PMA of Lab. Sect. may be requested to make this as RFD target 2014-15 for central Ministries / Deptts.

DFA

(Signature)
18/11/2014

Dr. Hry

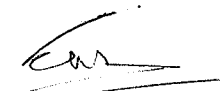
US(E) has signed the 20. letter

(Signature)
19/12


US(RTI)

Department of Personnel & Training
(I.R. Division)


US(RTI) and US(IR) have been receiving RTI applications seeking information relating to constitution of Task Force to recommend measures to improve the implementation of Section 4 of RTI Act, 2005 and action taken by the Government to implement its recommendations including the issues relating to guidelines circulated on 15.4.2013 regarding suo-motu disclosure by Central Public Authorities. The uploading of concerned file (No.1/6/2011-IR) consisting of three volumes on DOPT's website would facilitate furnishing of requisite information to the information seekers. It is, therefore, proposed for approval that all the three volumes of file No.1/6/2011-IR relating to the Constitution of Task Force on Section 4 of RTI Act, 2005 may be uploaded on DOPT's website. It has already been decided for digitization of important files of IR Division for keeping in public domain under one of the RFD targets for 2013-14.


23/4/14


~~MS (IR)~~


23/4

Dir (IR)



23/4

~~JS (AT A.A.)~~

Dir (IR) 
24/4


24/4

~~US (IR)~~


24/4

SO (IR)