

## **Right to Information and Good Governance**

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**Lecture 23**

**Salient Features of the RTI Act- V**

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### **Citizenship proof?**



- Check the *Mr. Narottam Sharma v. Guru Teg Bahadur Hospital GNCTD, Delhi* in (1) File No.CIC/DS/A/2013 and *Hira Lal vs. Estate Office [CIC/WB/C/2006/00183]* dated 6.9.2006, the Commission held that : "If of course, there is suspicion of possible fraud through forged signatures, which is a criminal offence the information cannot be supplied unless that suspicion is allayed. In that case it would be open to the CPIO to seek that an applicant establishes his or her identity before the information is supplied. It is hoped, because there has been no evidence to the contrary, that in this case the application was not rejected only as a matter of routine, but precise scrutiny before rejection of an application under the RTI will be well advised.



The next point for discussion is on section 3 itself of the Right to Information Act and the point of discussion is whether citizens, while seeking information under the Right to Information Act must give proof of their citizenship. This is important from the point that there could be times when the public information officer may be suspicious about who the applicant is and may want to insist on the proof of citizenship as well.

This will be particularly important in places like the Northeast or in places like Goa, where the public information officers are really keen to understand who is seeking this information and whether he should entertain the application process, the application provided the information because the right to information is exclusively provided not only to persons but only to citizens.

In the case of *Narottam Sharma v. Guru Teg Bahadur hospital* case, this case decided by the

central information commission in 2013 and this Hira Lal vs. Estate Office, a case decided in 2006, the Commission has consistently held that the proof of citizenship is not alone. It must not be insisted in every case.

However, if of course, there is a suspicion of a possible fraud, through forged signatures, you know, of course, committing the fraud or putting forged signature is a criminal offence, but if such suspicion raises, then the information cannot be supplied, and it would be legitimate for the CPIO to seek a proof or some ID from the applicant as well.

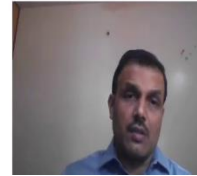
However, we know, the commission has warned that this is not to be done as a routine case and this will be done only in the case of any evidence that could be required. And the suspicion of the CPIO should be recorded, and then he could go up on seeking some kind of evidence of citizenship from the applicant.

And as you are well aware of in India, there are multiple documents that can go to prove your citizenship, right? The aadhar card could be one, the passport could be another, there are multiple sets of the documents, which provide proofs as in the instant case, I think one of them could be sufficient for the citizen making an application on the right to information and seeking the same.

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## Citizenship proof?

- Check the Mr. Narottam Sharma v. Guru Teg Bahadur Hospital GNCTD, Delhi in (1) File No.CIC/DS/A/2013 and Hira Lal vs. Estate Office [CIC/WB/C/2006/00183] dated 6.9.2006, the Commission held that : "If of course, there is suspicion of possible fraud through forged signatures, which is a criminal offence the information cannot be supplied unless that suspicion is allayed. In that case it would be open to the CPIO to seek that an applicant establishes his or her identity before the information is supplied. It is hoped, because there has been no evidence to the contrary, that in this case the application was not rejected only as a matter of routine, but precise scrutiny before rejection of an application under the RTI will be well advised.
- Section 3 gives the right to information only to the citizens of India, but that does not mean that a Public Authority can go on insisting on the proof of citizenship & use it as a method of denying information.



So, proof of citizenship is not required. However, if there is a suspicion, it may be required, it may be something that is insisted upon. So, public authorities should not insist is what this Central Information Commission has consistently held. This is not a routine insistence, this is not a routine additional documentation to the application that must be submitted and you know, this should not be used to circumvent the right to information. This should not be used to create a hurdle, the right information, this should not be used to unnecessarily harass the citizens, right?

So, the CIC has said that and has also warned Public Information Officers from misusing and seeking this proof of citizenship in any case. I think most public authorities did design an application form and they expected that the applicant fill that form and filed the RTI application and I noticed that in this form that was pre printed, here was a column, are you a citizen of India? You have to just declare yes or no.

So, some of the public authorities did insist upon the declaration by the Citizen instead of seeking the proof of the same. However, you know, I think citizenship under Section 3 or the proof that is required is only a procedural matter. Finally, if somebody wants information, he can ask or get that application filed by a citizen, and the public information officer will have to give that information.

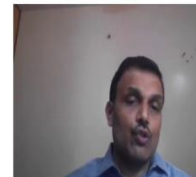
So, to whom he is giving, I think the public information officer need not be much concerned

about. I think the public information officer should be concerned about whether the information can be given or cannot be given. To whom it is to be given I think that part has completely now been taken away under the Right to Information Act.

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### Reasons for seeking information?

- Hon'ble High Court of Delhi in the case of **Union Public Service Commission v Dr. Mahesh Mangalot**: 17th March, 2015) (W.P.(C) No. 7431/2011) the High Court held that : Prior to the enactment of the RT Act, access to any information pertaining to public authorities was correlated to the locus standi of the requestor.
- Sec. 6(2) of the RTI Act states that no reasons need to be given for seeking information. However, this restriction on disclosure of reasons cannot be misconstrued to mean that any information pertaining to a public authority or its employees is public information.



Now, this position of mine is fortified by the fact that section 6(2) of the Right to Information Act very clearly states that citizens need not give reasons for seeking information. So, Right to Information is a right, it is a fundamental statutory right and why you are seeking this information, what will you do with this information? I do not think the citizen has an obligation to state.

So, 6(2) very clearly says, no reason needs to be given for seeking information, right? You do not have to have any motive. You do not have to have any purpose, you probably do not have to be a victim or you do not have to show your locus to seek that information.

So, whether the information is pertinent to you or not, you can still seek it. If you are actually concerned with the information or not, you can still go ahead and seek it. Now prior to 2005, you will notice that in case we had to exercise the right to move as a constitutional right under Article 19(1)(a), you cannot find writ repetition unless you can prove a locus standi, right? So, I think

the locus standi principle under the Right Information Act has been neutralized and anybody can seek information of any other department organization of any other person.

If that information can be provided and is not exempted the same information shall be given under the right to information act. I think the pertinent case on this is the Union Public Service Commission versus Dr. Mahesh Mangalat. This is a 2015 judgment and the High Court very clearly said that under the Right to Information Act the locus standi of the requester cannot be insisted upon the locus standi of the requester cannot be something that can be asked or sought unless there is a larger public interesting involve for the PIO to determine that the information can be given.

Because these are cases when we say that when there is an exemption to information and larger public interest has to be proved, then the citizen may have to give reasons why an exempted information should be disclosed. So, when an exempted information is sought, or reasons will be stated or justified, based on that the exempted information can be shared by the PIO.

So, when reasons are given for exempted information, it helps the public information officer to actually assess whether there is a public interest, is there some kind of compelling reason to share an exempted information? So, those are the only times in which under the right to information act, can somebody state reasons or can they seek those reasons as well.

So, very clearly for a normal application, a citizen need not give reasons for seeking information. That is very important. And you will notice that when citizens need not state reasons, who it is does not matter. Whether the information can be shared or not, is the only concern that the public information officer ought to get ? I think friends, what we have done till now is to cover the definition of information, definition of citizen and we have also looked at who can see the information that is what we have seen, the citizens of India who can get the right to information.

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## Duties: Sec. 4 RTI Act

### Obligations of Public Authorities



- The citizens right to know the true facts about the administration of the country is, thus, one of the pillars of a democratic State and that is why the demand for openness and transparency in the Government functioning is increasingly growing in different parts of the World. In this way, Section 4 of the RTI Act is preparatory to actual enforcement of the Act. It enjoins all the public authorities to collect, maintain and computerize all the information available with them and connect them through a network all over the country on different systems or publish within 120 days from the enactment of this Act.

The next point of discussion is



Section 4 of the right to information act. So, after section 2, which deals with the definitions, section 3 that deals with citizens. Now we move to Section 4, which is the duties of obligations of public authorities under the Right to Information Act.

Now, Section 4 is very, very important. It is important because the RTI act is not only about the rights of the citizen, it is also about the duties of the state. And the state is represented through this definition under the RTI called public authorities. What are their obligations under the RTI act? What are they supposed to do? What are the directions? How should they implement the RTI act? What measures and steps should they take? And please note the consequences of violation of Section 4 are also important and that we come to in a little while.

However, let me start listing the duties and the obligations of the public authorities as they were under the Right to Information Act. You know, to be honest, when we say there is a right to know in a democratic system and the right to know is to be exercised against the administration of the state, we always think that you have to apply for the right and then it is the discretion of the state to either accept your application or not to accept your application, correct?

So, you actually have to make a petition, you have to make an application, you have to make a requisition. So, you know, generally rights have to be exercised is generally what we want to say. However, if democracies have to stand for transparency, for openness, for accountability, even

without being applied for, even without being asked for, then you will notice that section 4 is an important section that casts a duty and an obligation on public authority to disclose information, even before it is asked for.

That is the interesting part. So, it is not about always the right to apply. Yes, that is definitely there. Citizens to have but it is about putting the information in the public domain even before it is asked for. So, this is what we call as the proactive disclosure norm, under Section 4 that is very important in terms of what public authorities are supposed to do under the Right to Information Act.

However even before that can be achieved, I think section 4 very clearly recognizes one important factor and that factor is the success of the Right to Information Act depends upon the government's administrative functioning in what I call as 'record management'. See, interestingly, no RTI is going to be successful if record management in government is weak, is not systematic, is not up to the map, and hence, what is the duty of the public authority in terms of collection maintenance, of records.

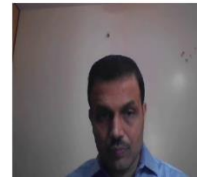
Now, we should know that the record management environment is weak. It is a challenging factor and the most of the time that is spent in RTI is actually in terms of finding the record, in collecting the record and providing the information. So, I think there is a lot of administrative process that is involved in record management and unless the government invests in records management, there will not be efficient implementation of the Right to Information Act. So, there is a clear interlink between record management, the administrative structure in our organization to the right to information act. And unless record management improves, the Right to Information Act is not going to be meaningful.

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## Duties: Sec. 4 RTI Act Obligations of Public Authorities



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- Section 4 of the Right to Information Act provides that:
  - (1) Every public authority shall-
  - (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;



And hence, you will notice that section 4 of the Right to Information Act provides for the following. It is a duty of every public authority and the word used in Section 4 is sharp. It is not about me, it is not an option. It is not a discretion. Every public authority shall maintain its records duly cataloged and indexed in a manner and the form which facilitates the right to information under this act.

Now interestingly, record management is an art, it is a skill it is a science and unfortunately most of our government offices are not trained in record management. And this is what actually delays or hinders the right to information. Now duty cataloguing and indexing of records is being insisted and the mandate is that public authorities must implement the Public Records Act of 1993 effectively.

Now, you will notice that the Public Records Act of 1993 is interlinked to the functioning of the Right to Information Act and you will in one module, go through the contents and details of the public record act as it is implemented vis-a-vis the Right to Information act. Cataloguing and indexing of records. Why is it relevant? Why is it important? Because this will help you to actually not only keep the record in a scientific manner, but tomorrow, if after five years if somebody files an RTI, it is easy to retrieve that information, it is easy to get the information provided and hence, cataloging and indexing, generally found in library sciences is something



that has to be implemented in every public authority in terms of record management is what section 4(1)(a) actually facilitates, right? And this has to be ensured in a reasonable time.

However, I think what section 4 also insists upon is computerization of the record, I think to be when records are kept in soft copy in a computerized format, it is easy to retrieve, it is easy to find, it is easy to provide, and hence there is very less administrative cost in providing the information. Unfortunately, if you do not keep the record in computerized state, and if you keep it in a hardcopy, I think there is a high administrative cost in ensuring that the right to information is given to the citizens.

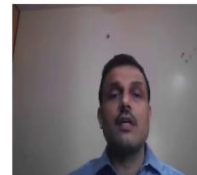
However, section 4 also says this is subject to availability of resources, which I do not think is a problem right now. But I think there is a caution of saying how much can be done by a public authority will depend upon how much budget or resources are in their domain, so that they can implement it in a proper and systematic manner. Why does computerization help? I think computerization also helps so that the access to such record is facilitated.

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## Sec. 4. contd



- The main objective of section 4 is to make the information available by a public authority at the doorstep of the citizens. Under section 4(1)(a) of the RTI Act, every public authority is required to maintain all its records duly catalogued, indexed, systematically placed and as far as possible to computerize and



That is something that is being insisted under section four of the Right to Information Act. If one continues to read Section 4, one would notice that it is the duty of the public authority to

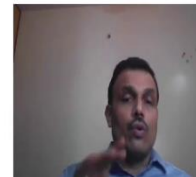
facilitate this information so that the citizens can actually easily comprehend the information, analyze the information, interpret the information and probably use it to check accountability in terms. That is the process in which probably section 4 wants agencies and public authorities to actually pursue that particular matter.

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## Sec. 4. contd



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- section 4(1)(b) prescribes as many as 17 manuals in which complete information regarding the functioning of every department and public authority has to be published on the public domain within the stipulated time period and update the said data on periodical basis as per the provisions of the Act.



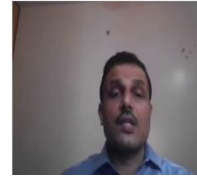
You will also notice that it is the duty of the public authorities to consistently look at developing certain manuals, Section 4 1 B prescribes a sampling set of manual that has to be prepared and put it in the public domain within the stipulated time, right? So, these are certain data's on periodical basis that have to be provided, 17 sets, I will talk to you about what are those 17 sets of information that have to be disclosed upfront. And they have to be published in the public domain even before a citizen seeks for the same and that data has to be periodically updated. So, it is not one time publication, it has to be yearly updated. And this is a function of the public authority. So that, that information being available in the public domain, nobody has to apply for it. And that public domain includes both a domain which people can access it physically, and people can actually manually probably access it through internet or through the website of the consent public authority as well.

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## Sec. 4. contd



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- section 4(1)(b) prescribes as many as 17 manuals in which complete information regarding the functioning of every department and public authority has to be published on the public domain within the stipulated time period and update the said data on periodical basis as per the provisions of the Act.
- Section 4(1)(c) requires all public authorities to publish all relevant facts on policy formulation within their domain and



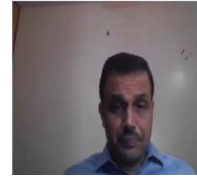
So, we will immediately come to what that is, but that is just a brief outline of what section 4 has for us. Section 4 1 C requires public authorities to publish all relevant facts on policy formulations within their domain. So, policies that are generally the you know, they are the year mark instruments for implementation of all schemes and decisions of a public authority and hence what are the facts that are relevant in policy formulation has to be all so put out in the public opinion that is what section 4 1 C actually mandates in this circumstances, right?

So, it is the duty of the public authorities to notify to the citizens, these are the relevant facts these are the relevant documents, these are the relevant (( ))(16:38)meters on which this department functions. This department provides this scheme this facilities, these privileges, this licenses, this grant, so this has to be known to the citizen only when they know this they can easily comply with it, apply for those licenses and get those licenses. This will cut the kind of bureaucracy hurdles that are often created in public authorities. Near, and hence that is also insisted under section 4 1 C.

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## Sec. 4. contd

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- Section 4(1)(c) requires all public authorities to publish all relevant facts on policy formulation within their domain and
- section 4(1)(d) requires the public authorities to provide reasons for their administration or quasi-judicial decisions to affected persons. The said provisions intend to make automatic disclosure of maximum information about public authorities under the Act.



Section four one d requires all public authorities to provide reasons for their administrative or quasi judicial decisions. This is very important in the term of the fact that, you know, you cannot expect public authorities to give decisions in an automation format, they are not to be operating as robots. So, whenever administrative decisions are need, or whenever the public authorities act in a quasi judicial go, right? Or when they are adjudicating disputes, their adjudicating rights, or district collector will be actually adjudicating the rights about compensation for land acquisition, right? So that is a quasi-judicial matter. You know, an officer of the state may be passing an order against denial of a license for a restaurant, so that is an administrative process. Now in all of these it is important that one read section 4 1 D now the right to information act interestingly brings about an attitude shift, it brings about a policy, administrative change and it says that whenever such decisions are taken by public authorities, they have to provide reasons. This is an administrative challenge that they have to comply with and those reasons should be made available to the citizens under the right to information act.

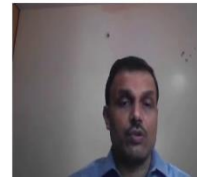
So, I can ask for those reasons. Rather the reasons have to be put in public domain, without reasons no such action or decision should be taken is what is the mandate under Section 4 1 D.

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## Sec. 4 Contd.



- In the case of ***Saraj & Others v. Deputy Commissioner South, Municipal Corporation of Delhi (MCD)***, where complainants stated that Old Age Pension had not been paid to them by the Municipal Corporation Delhi (MCD) since April, 2007. They pleaded that under Section 4 of the RTI Act, MCD should provide detailed information of the Pension Scheme on its website. Thus, the Commission directed the Municipal Corporation Delhi (MCD) to comply with the requirements of Section 4 with regards to the Old Age Stipend/Pension Scheme within twenty working days from the date of the order and also directed to pay an ad hoc (*when necessary*) amount of Rs. 1000/- to each of the complainants within one month from the date of the order under section 19(8)(b) of the RTI Act.



Now, in the case of Saroj versus Deputy Commissioner of South, Municipal Corporation of Delhi, this was a case where the complainant stated that old age pension had not been paid to them. So, they the complainants were unfortunately aggrieved by the old age pension being denied to them by the Municipal Corporation of Delhi and this was pending from 2007.

So, what they pleaded was, the period that under section 4 of the RTI act, the municipal corporation of Delhi should provide detailed information of the pension scheme on their website, who is entitled to the pension key scheme? What are the people to whom this scheme is being provided? This has to be probably given on the website is what was insisted by the complainant in this case.

So, the question before the commission was whether such pension schemes that are provided by different organizations of the government, should they be disclosed under Section 4, should it be disclosed on website before if it is being asked for, the commission directed to the Municipal Corporation of Delhi very clearly, they said, this is a requirement of Section 4. This is one of the schemes that you are providing from your organization. And if you did not put it on your website, that is a clear cut violation of Section.

And you would notice that an amount of thousand was paid to the complainant as compensation because these are people who are probably aged, they were keen to get information about why who was getting this information? Why was it not published before so that they can access this very easily.

So, a compensation was paid to them, because I think there was a denial of their right and the public authority had not complied with a necessary requirement of proactive disclosure under Section 4. So, proactive disclosure means when you are supposed to disclose when there are certain information that you have to give, and the same has to be on a website, if the same is not provided for then to that extent, you will notice that the central information commissioners will be tempted to impose penalties or pay compensation to the concerned applicant.

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## Discussion on sec. 4



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- Section 4 of the Right to Information Act provides that:
- (1) Every public authority shall-
- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;
- **AN ATTEMPT TO MAKE THE RIGHT VIABLE:**
- This sub-section prescribes certain pre-requisites for the successful enforcement of the right to information. Since the effective access and dissemination of information would be directly proportionate to the effective maintenance and management of the record, **it commands the public authority to catalogue and index the record for its maintenance to facilitate the right envisaged in the Act.**
- The record of the public authority cannot be accessed effectively unless it is maintained in a systematic and organized manner.
- The Act requires the computerization of record. With the advent of information technology; computerization is an effective and efficient way of storing the available information. If it is applied properly, a click on the computer produces the desired information.
- The Act mandates the public authority to achieve this within the reach of the available resources within the reasonable time. It does not set a time limit but it leaves up to the Government's capacity and capability. It further requires setting up a unified network throughout the country so that any information could be retrieved from any place to make the right to information really effective.



To continue the discussion on Section 4, you will notice that every public authority shall maintain records using catalogue and index them. And under this section, there is a prerequisite that if we are looking at successful enforcement of this right, effective access should be provided for. So, public authorities must be designed in such a manner that record inspection is facilitated. Public Authorities must be designed in such a manner, that record management should be such a manner that there is effective exercise of the right to information.

So, there is a clear command that public authorities if they do not maintain their record scientifically, if public authorities fail in record management, that would also be considered as a violation of the Right to Information Act.

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## Obligation of PAs

- (b) publish within one hundred and twenty days from the enactment of this Act,-
- (i) the particulars of its organization, functions and duties;



The obligations of the public authorities are the following on section 4. First, they ought to publish the requisite information within 120 days from the enactment of this law. And what they should publish are the following. So, the 17 sets of manuals that I told you, what they should put upfront or proactively are the following.

First and foremost the particulars of the organization, functions and duties of various offices within that organization. So, this is the first one, what does the organization do, what are its basic functions and what are the duties and responsibilities assigned to different offices within that organization. So, this is point number 1.

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## Obligation of PAs



- (b) publish within one hundred and twenty days from the enactment of this Act,-
- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;



Point number 2, powers and duties of offices and employees. So, this is point number 2, what are their powers, what are their duties, so that citizens know exactly who is responsible for what. 3, the procedure followed in decision making. So, when a file or an application starts, does it start from the reception and whom does it go to finally before it has been granted or avoided for.

So, the procedure followed in the decision making process, the channel of supervision and accountability also has to be displayed on the website. So, the organizational structure has to be very clearly set up. What are the norms set for discharging functions? So, what are the norms for discharging the individual functions has to be also clarified. For example, probably you can say what is the timeline for, you know, on a file? What is the timeline to give a license, or a grant, or a privilege? So, that norm for discharging that function must be very clearly stated.

Suppose the file comes to me, within how many hours or days should I clear the file, interestingly, rules, regulation, instructions, manuals and records, you know all of these that are there within the control and used by employees for discharging their function must also be displayed. Now, there may be a lot of internal rules and regulations for officers to discharge their functions. Those have to be very clearly put out, right? So, the manuals for administration, the business conduct rules all of these are something that has to be put optioned on the website of the



organization.

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## Obligation of PAs



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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;



Next, a statement of the categories of documents that are held by it or under its control. So, you know, the categories of documents are life records, records above 30 years, records 10 years and above, so on and so forth. So, the categorization of documents must be clearly displayed upon, so that citizens very clearly know which document is categorized, how, right? The categorization could also be classified information or unclassified information, the category of information would be probably exempted and those that will be disclosed as well.

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## Obligation of PAs



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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;



The next obligation is the particulars of any arrangement that exists for consultation

representation by the members of the public. So, if there is any public consultation or representation process within an organization, in terms of formulation of its policy or implementation thereof data also has to be disclosed this will help citizens to know whether they can make a representation to a public authority or not. And if there is a possibility of representation, how that representation can be made, when can it be entertained, that is something that can be known if this information is put up front.

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## Obligation of PAs



- (b) publish within one hundred and twenty days from the enactment of this Act,-
- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;



A Statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as a part of the purpose of its advice. So, most public authorities have certain advisory bodies, they have certain councils or committees that are constituted from time to time for the efficient functioning of that public authority. So, if such boards, councils and committees are constituted in public authority, which has more than two or more members of persons, then those sets of information has to be displayed.

Not only that, if there are meetings of such both council and committees, then those meetings or the minutes of those meetings, have to be made accessible to the public. So, this has also to be disclosed from time to time. A directory of its officers and employees, this is important. So, you know, who are the officers, who are employees, what are their category, group B, group C, those also have to be displayed.

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## Obligation of PAs



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- (i) the particulars of its organization, functions and duties;
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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
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- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;



The next upfront proactive disclosure is the monthly remuneration received by each officer. Interestingly, this should include any other compensation that is provided by regulations to such offices. So, what is the emoluments, salary, compensation, perks that are received by employees, our offices in that organization has to be also disclosed. And please note this has to be updated.

Now, unfortunately, when you scrutinize many public authorities websites, they are not updated. They are something that is probably some 10 years back or one time publication is something that so whenever the salaries change, or there is an increase, the same also has to be updated. So, these are informations that are to be updated every year or every time the information changes, the change has to be notified on the website.

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## Obligation of PAs



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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;



The next proactive disclosure is the budget allocated to each public authority. So, how much do they receive from the government? What are their plans? What is the proposed expenditure? And any report on disbursement should also be made available to the citizen up front. So, this will clearly give you an idea about how is the money or the public money that is being utilized in public authority. What is their proposal? What is their plan? And probably citizens can check if there is misuse or abuse of the same plan, and they can notify higher agencies if there are any discrepancies that are brought to the notice of such organizations.

The manner of execution of subsidy programs, very important, I think subsidy programs that are offered by public authorities must also be put upfront so that people know if they are entitled to such a subsidy. If so, how should they apply? What are the documents that are required? So, any kind of programs where there is a beneficiary, that is to be distributed among citizens or among the concerned stakeholders, I think all these programs have to be disclosed, they have to be updated from time to time and those are also set of information that should be provided under the Right to Information Act.

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## Obligation of PAs



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- (i) the particulars of its organization, functions and duties;
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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
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- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;



Next is the particulars of recipient of concessions. So, who has received what kind of concession? Who has received what kind of permits? and who has received what kind of authorization? So, you know, for example, the pollution control board gives authorization to waste management companies to process municipalities biomedical, waste, electronic waste or hazardous waste. If the pollution control board has granted those authorizations, those authorizations must also be disclosed under the Right to Information Act on the website of that organization. This is very important.

So, permits, there could be interstate permits that are permits for carrying out certain business activity, certain concessions that are awarded to certain categories of individuals from the government from time to time, all of this information that has been the function of a public authority also has to be notified. However, unfortunately, again as I tell you, these are not so proactively disclosed by organizations.

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## Obligation of PAs



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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
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- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;



The next point is details in respect of information available, held and reduced in an electronic form. This is directly in relation to the Right to Information Act, which means very clearly, that it is the duty of the public authority to know how many applications have been received, how many what kind of information is being held by them, whether it is an information that is of the government or of a private organization, and how much of information is actually available in their electronic cell, right? How much is the information available in hardcopy?

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## Obligation of PAs



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- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
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- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
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- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed and thereafter update these publications every year;



Next, I think the particulars of facilities available to citizens to obtain information including the

working hours of the library or the reading room if maintained for public use, obviously what can public access within a public authority must be disclosed as well. The names, designation and other particulars of the PIOs.

So, you know, the name designation and particulars of the PIOs must be published not only in the website, but also somewhere very prominently on the physical space of the organization. So, I think so, people know, whom should they contact who is the liaison officer, what are the details, can he be contacted by email, by telephone or should he be contacted physically, I think all this information should be easily made available, and if there is a change of the PIOs, I think the same change should be notified as well.

Such other information as may be prescribed thereafter updated every year should also be part of the. So these are so any other matter so finally, public authority may want to perform pretty well under the RTI region, they want to probably do something more than what is prescribed in the above 16 parameters, they can do whatever they wish to do so.

So, that is something or it could be something that is insisted by the information commission. So, these are obligations of the public authorities. These are obligations for proactive disclosure under Section 4 and these are very, very important measures to the public authorities to take before they go about their business under the Right to Information Act.

And hence, the 16 sets of requirements of the manual of information must be upfrontly provided for they should be updated every year. And this is a duty clearly on public authorities. So, apart from the duties of Public Information Officers, kindly note, this is the collective responsibility of every individual working in the public authority, right?



