

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ADMINISTRATIVE REFORMS DEPARTMENT
7TH LEVEL, C WING, DELHI SECRETARIAT, NEW DELHI – 110 002

<http://ar.delhigovt.nic.in>

F.13/8/05-AR/ 9068-10127/C

Dated: 28/08/09

OFFICE ORDER

Sub: Compliance of Section 4 of Right to Information Act, 2005.

Please find enclosed a copy of the D.O. Letter dated 6th August, 2009 of Shri Shailesh Gandhi, Information Commissioner, Central Information Commission wherein the statutory requirements to be complied with by all Public Authorities under GNCTD is highlighted.

Shri Shailesh Gandhi, Information Commissioner, Central Information Commission has expressed deep concern over the fact that the websites of some of the public authorities of GNCTD do not carry the information that should be disclosed u/s 4 of the Right to Information Act, 2005, or the extent to which it has been made available, it has not been updated. It has also been seen that in some cases the information on the website is not uploaded to a place which is easily accessible. In six to eight weeks a network of persons will be set up which, in collaboration with the Commission, will monitor websites of each public authority to ensure strict compliance with Section 4 obligations.

It has been further directed that the Departments of GNCTD should fulfill their obligations u/s 4 and compliance report must be submitted by each Public Authority by **15th October, 2009**, which should include:-

1. Measures taken to fulfill disclosure obligations u/s 4, making information available on official websites as well as hard copies of the information at the main offices of the Public Authority.
2. Measures put in place to ensure regular updating of the information uploaded on the websites and made available at the offices.

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

Further, to ensure proper monitoring under Section 25 of the act, each Public Authority under the GNCTD must fill in the form with respect to RTI applications received by it and action taken on these applications. This information must be submitted in the prescribed proforma (enclosed) to the

Central Information Commission by 10th of every month by e-mail at rtimonitoring@gmail.com

All Head of the Departments are requested to ensure that these instructions are strictly complied with and the requisite information may be submitted directly to the office of Shri Shailesh Gandhi, Information Commissioner, Central Information Commission, Club Building (Opposite Ber Sarai Market), Old JNU Campus, New Delhi – 110067, under intimation to this office.

Non-compliance of these instructions may attract heavy penalty.

Encl: As above.


(DR. G. NARENDRA KUMAR)
SECRETARY (AR)
Tel: 23392090

To

1. All Principal Secretaries / Secretaries / Head of the Departments of Departments under Government of NCT of Delhi.
2. All Heads of Departments of autonomous organizations / PSUs / Local Bodies under Govt. of Delhi.
3. All First Appellate Authorities / Public Information Officers of GNCTD designated under RTI Act, 2005.

F.13/8/05-AR/ 9068-10127/C

Dated: 28/08/09

Copy for information to:- The Assistant Registrar, Office of Shri Shailesh Gandhi, Information Commissioner, Central Information Commission, Club Building (Opposite Ber Sarai Market), Old JNU Campus, New Delhi – 110067.


(DR. G. NARENDRA KUMAR)
SECRETARY (AR)

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

Delhi Sachivalaya
Ref. No.
Govt. of N.C.T. of Delhi
12 AUG 2009
9ADDB9126128
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6 August 2009

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

Sub: Section 4 compliance in departments of the GNCTD

Dear Mr. Rakesh Mehta,

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

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

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

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

Wgah
A/S
10/8/09
R/S

Sony (AR)

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15/8/09

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

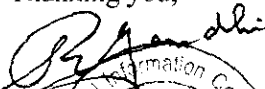
1. Measures taken to fulfil disclosure obligations under Section 4 including making information available on official websites as well as hard copies of the information at the main offices of the Public Authority.
2. Measures put in place to ensure regular updating of the information uploaded on the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


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

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

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

Thanking you,


Shailesh Gandhi
Information Commissioner



Enclosed: Section 4, Right to Information Act, 2005

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

CHAPTER II

Right to information and obligations of public authorities

3. Subject to the provisions of this Act, all citizens shall have the right to information.

Right to
information

4. (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 computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
- b) publish within one hundred and twenty days from the enactment of this Act,—

- (i) the particulars of its organisation, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) 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 authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed;
- and thereafter update these publications every year;

- c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- d) provide reasons for its administrative or quasi-judicial

decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) 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.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

Designation
of Public
Information
Officers.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

TO BE SENT THROUGH E-MAIL TO rtimonitoring@gmail.com

ENCLOSURE OF CIRCULAR NO. DE/RTI/CIC/2008/21127-57 dated 13/05/2009

RIGHT TO INFORMATION ACT, 2005
CONSOLIDATED INFORMATION FOR MONTHLY REPORT OF
CENTRAL INFORMATION COMMISSION u/s 25 of RTI ACT, 2005
(For the month of2009)

Name of the Dept./Organization : -----

Name of the PIO designated : -----

Name of APIO designated : -----

Opening Balance as on 1 st day of the Month	Received during the month (incl. Cases transferred to other Public Authorities)	No. of cases transferred to other Public Authorities	Decision where requests/appeals rejected	Decision where requests/appeals accepted	No. of cases where disciplinary action taken against any officer

Number of times various provisions were invoked while rejecting requests

Relevant section of the RTI Act, 2005													
Section 8 (I)										Sections			
a	b	c	d	e	f	g	h	i	j	9	11	24	Others

Amounts Collected (in Rs.)

Application Fee	Addl. Fee and any other charges	Penalties amount*

*Details to be provided with copy of the orders of CIC

Signature
 Name & Designation of the Officer
 Telephone Number