

Dear all,

Many of you are aware that the Department of Personnel and Training, Government of India has set up a task force for the purpose of advice on effective implementation of Section 4 of the Right to Information Act (RTI Act). The task force is mandated to suggest measures for improving the quality and content of proactive disclosure under Section 4(1)(b) of the RTI Act. The complete text of the notification is accessible at:

http://persmin.gov.in/WriteReadData/CircularPortal/D2/D02rti/1_6_2011-IR01062011.pdf

Five sub-groups of the task force have been constituted to work on different themes. I am associated with the sub-group which has the following mandate:

"Detailing of Sections 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi), 4(1)(b)(xiv) to lend clarity to these sections."

Ms. Aheli Chaudhary of JOSH and Mr. KG Verma, Director, DoPT are the other members of the sub-group. We are not required to develop templates. We are only required to give pointers for detailing these clauses with substantive content.

Any such exercise must necessarily involve the widest possible consultation given the time and resource constraints. We have a deadline of 30th June to come up with a draft of suggestions for fleshing out these sub-sections on proactive disclosure. So kindly send us your views on the themes listed below:

a) Section 4(1)(b)(iii) states:

"Every public authority shall.... publish within one hundred and twenty days from the enactment of this Act....

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;"

Questions posed to you:

1) In your opinion what kinds of decision making processes did Parliament have in mind while adopting this clause?

2) One department may take decision on a multitude of matters in relation to the jobs allocated under the *Allocation of Business Rules, 1961*. Different offices of a single public authority may be involved in different decision making processes. For example, field office, district or division level office, zonal office and headquarters. Similarly different public authorities may be involved in a single decision making process. For example, Law Ministry, Finance Ministry, concerned department, Prime Minister's Office etc. may be involved in the matter of a Cabinet level decision. Decisions may be as simple as which officer to depute to attend which official meeting. Or they may be as complex as which site to choose for the construction of a thermal power project by displacing thousands of families. What kinds of decision making processes should be prioritised for this section? What should be the minimum content of such information?

3) What information about supervision and accountability channels must be proactively disclosed?

b) Section 4(1)(b)(iv) states:

"Every public authority shall.... publish within one hundred and twenty days from the enactment of this Act....

(iv) the norms set by it for the discharge of its functions;"

Questions posed to you:

- 1) In your opinion what kinds of norms did Parliament have in mind while adopting this clause?
- 2) Norms may be of different types but primarily they may be qualitative or quantitative or both. Time limits for a decision-making process are also norms. What kinds of norms should be disclosed by every public authority?
- 3) Should only such norms be disclosed as the public authority has set for itself? What about norms set by one public authority which are applicable to others. For example, financial norms followed in government are basically found in the *General Financial Rules* as amended from time to time. These are issued by the Finance Ministry but they must be adhered to by all public authorities under the Government of India. They are applicable to the State Governments as well as we have a unified accounting system across the country. So should every public authority separately disclose GFR on its website? Similarly some norms are given in the Manual of Office Procedure. All ministries and departments are required to follow this manual but many subordinate or attached offices do not know about this manual or do not use it. This is also the case with several public sector enterprises. In such cases what kinds of norms should be disclosed?
- 4) Often standing orders, OMs, circulars issued by a department or its constituent divisions/sections contain norms. This category of information must be disclosed under Section 4(1)(b)(v). Should norms be culled out from these documents and disclosed separately under Section 4(1)(b)(iv)?

c) Section 4(1)(b)(xi) states:

"Every public authority shall.... publish within one hundred and twenty days from the enactment of this Act....

(xi) the budget allocated to each of its agency indicating the particulars of all plans, proposed expenditures and reports on disbursements made;"

Questions posed to you:

- 1) The Government of India set up a special website to disclose details of the annual budget even before the RTI Act was adopted. Almost all State Governments display their annual budgets on their websites. So what did Parliament have in mind when it said that every public authority must disclose its budget, plans proposed expenditures and disbursement reports? How much more detailing is required?
- 2) In your opinion do individual departments, public authorities and their agencies display their budgets proactively (website, notice boards, free document inspection etc)? What kinds of information about budgets and expenditures do you think people ought to be informed about beyond what is displayed on the website?
- 3) Are budget and expenditure related information contained in official publications and websites easy to understand? If not in what manner can they be simplified? Please send examples of simplified and expenditure reports.

d) Section 4(1)(b)(xiv) states:

"Every public authority shall.... publish within one hundred and twenty days from the enactment of this Act....

(xiv) details in respect of information, available to or held by it, reduced in an electronic form?

Questions posed to you:

1) What do you think Parliament had in mind while adopting this clause? How is this clause different from Section 4(1)(b)(vi): "a statement of the categories of documents that are held by it or under its control;"?

2) What does the term 'reduced in an electronic form' mean? Should the information or document have originally existed in hard copy or some other non-electronic form which was then converted into electronic form? Does this category include documents and records created originally in electronic form?

3) It is easier to understand the phrase: 'information held by a public authority'. But what does 'information available to it' mean? For example: The Reserve Bank of India (RBI) creates and holds a lot of information in electronic form. Under various laws, rules and regulations applicable to banks the RBI can authoritatively requisition a lot of information from the banks under its control for the purpose of creating and adding to its own database and files. A large portion of such information may be held in electronic form by such banks. Should the RBI display all such information categories held by the banks because they are "available to it" under some legal instrument?

Please send your suggestions along with any examples of best practice that you may want to point out. We will compile all useful suggestions along with our own research based recommendations into a draft and circulate it again for comments. Please send us your name and contact details if you want your contribution to be acknowledged in the draft. Please let us know if you want your comments to be kept confidential. We will not reveal your identity but will include your suggestion/recommendation in the draft if it is relevant to the queries raised above.

Please email your comments to this email address:
rtipdtaskforce@gmail.com by the 28th of June, 2011.

In order to access our previous email alerts on RTI and related issues please click on:
http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84

You will find the links at the top of this web page. If you do not wish to receive these email alerts please send an email to this address indicating your refusal.

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Thanks

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